A/71/53

United Nations

Report of the Human Rights Council

Twenty-fourth special session
(17 December 2015)
Thirty-first session
(29 February-24 March 2016)
Thirty-second session
(13 June-1 July and 8 July 2016)

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Supplement No. 53 (A/71/53)

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I. Introduction

1. The Human Rights Council held its twenty-fourth special session on 17 December 2015. It held its thirty-first session from 29 February to 24 March 2016 and its thirty-second session from 13 June to 1 July, and on 8 July 2016.

2. The reports of the Human Rights Council on the above-mentioned sessions have been issued in documents A/HRC/31/2, A/HRC/32/2[1] and A/HRC/S-24/2.

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[1] To be finalized.

II. Resolutions brought to the attention of the General Assembly for its consideration and possible action

31/17. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Welcoming the adoption by the Security Council of its resolution 2268 (2016) on 26 February 2016,

Reaffirming its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Recalling the statements made by the Secretary-General and United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling also that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic, social and cultural rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent suppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and extremist groups,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, and the allegations of torture and executions based on the evidence presented by the "Caesar" report in January 2014 regarding the torture and execution of persons incarcerated by the Syrian authorities, and underscoring the need for those allegations and similar evidence to be collected, examined and made available for future accountability efforts,

Noting the observation of the Commission of Inquiry that the Syrian authorities have conducted enforced disappearances and widespread attacks against the civilian population as a matter of policy,

Recognizing that arbitrary detention and enforced disappearances in the Syrian Arab Republic have increasingly targeted persons belonging to communities believed to support armed groups or to be insufficiently loyal to the Government or to other parties to the conflict, which has had a traumatic impact on victims and their families,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Expressing full support for the diplomatic efforts of the Special Envoy of the Secretary-General for Syria, and stressing that rapid progress on a political solution should include full and meaningful participation by all segments of Syrian society, including women, and represents the only sustainable way to resolve the situation in the Syrian Arab

Republic peacefully, consistent with Security Council resolution 2254 (2015) of 18 December 2015,

Welcoming the efforts of the United Nations Entity for Gender Equality and the Empowerment of Women to highlight the needs of women and girls and to promote their role in conflict-resolution and peacebuilding,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Welcomes* the cessation of hostilities in the Syrian Arab Republic, demands that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urges all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing the systematic, widespread and gross violations and abuses of human rights and violations of humanitarian law to an end;

2. *Also welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

3. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

4. *Decides* to extend for one year the mandate of the Commission of Inquiry, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable;

5. *Requests* the Commission of Inquiry to provide an oral update during an interactive dialogue at the thirty-second session of the Human Rights Council and to present a written updated report during the interactive dialogue at the thirty-third and thirty-fourth sessions;

6. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

7. *Stresses* the importance of efforts to sustain the Cessation of Hostilities that came into force on 27 February 2016 and the delivery of humanitarian assistance, and of the full implementation of Security Council resolutions 2178 (2014) of 24 September 2014, 2199 (2015) of 12 February 2015, 2249 (2015) of 20 November 2015, 2253 (2015) of 17 December 2015, 2254 (2015) and 2268 (2016);

8. *Strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front or other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of

international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization;

9. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Daesh), in particular the enslavement and sexual abuse of women and girls, enforced disappearances and the forced recruitment and abduction of children;

10. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children, and persons with disabilities, and urges all parties to the conflict not to commit indiscriminate attacks against the civilian population and civilian objects, including against medical facilities and schools as such, to comply with their obligations under international humanitarian law and to respect international human rights law;

11. *Strongly condemns* the widespread practice of enforced disappearance and the use of sexual violence and torture, especially in detention centres, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, notes that such acts may constitute violations or abuses of international human rights law or violations of international humanitarian law, condemns the denial of medical services in all prisons and detention facilities, recognizes the permanent damage from torture to victims and their families, and calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and for the Syrian authorities to publish a list of all detention facilities;

12. *Also strongly condemns* all enforced disappearance and arbitrary detention by the Syrian authorities and all parties to the conflict, and demands the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

13. *Welcomes* the fact that the Joint Investigative Mechanism, which was established by the Security Council in its resolution 2235 (2015) of 7 August 2015 to identify those involved in the use of any toxic chemical, such as chlorine or any other chemical, as a weapon in the Syrian Arab Republic, became fully operational in November 2015, and calls upon all parties in the Syrian Arab Republic to extend their full cooperation to the Joint Investigative Mechanism and the fact-finding mission and the declaration assessment team of the Organization for the Prohibition of Chemical Weapons, and underscores the importance of seeking accountability for those responsible for violations of international humanitarian law in this context;

14. *Reiterates its condemnation in the strongest terms* of any use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, and recalls the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors;[2]

15. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), in which the Council strongly condemned the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, and demanded the immediate end of these practices;

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[2] See Security Council resolution 2235 (2015).

16. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

17. *Condemns* the destruction of the structures of civilian life as a result of the conflict, and calls upon all parties to comply fully with their obligations under international law, including the obligation to distinguish military from civilian objectives, and, accordingly, to refrain from deliberately targeting civilians and to put an end to all indiscriminate and disproportionate attacks;

18. *Also condemns* the Syrian authorities' use of heavy weapons, cluster munitions and aerial bombardments, including any indiscriminate use of ballistic missiles and barrel bombs, and attacks against civilian infrastructure, including medical facilities;

19. *Condemns in the strongest terms* the increasing number of mass casualty incidents, including any which may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

20. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

21. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

22. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

23. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, and the organized looting and trafficking of its cultural property, as outlined by the Security Council in its resolution 2199 (2015);

24. *Also strongly condemns* the reported forced displacement of the population in the Syrian Arab Republic and the alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to crimes against humanity;

25. *Calls upon* the international community to support the leadership and full participation of women in all efforts aimed at finding a political solution to the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2254 (2015);

26. *Recalls* that the International Criminal Court was established to help to end impunity for such crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

27. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

28. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

29. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring

accountability for the crimes committed in the country as a prerequisite to bring about reconciliation and sustainable peace;

30. *Reaffirms* its commitment to international efforts to find a political solution to the Syrian crisis that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens are equal, regardless of gender, religion and ethnicity;

31. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

32. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

33. *Welcomes* the initiative of the United Kingdom of Great Britain and Northern Ireland, Germany, Norway and Kuwait to co-host the London conference on 4 February 2016, which raised new funding to meet the immediate and long-term needs of those affected by the Syrian crisis, and calls upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to fulfil all previous pledges;

34. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, including to hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015 and 2268 (2016), and calls upon Member States to fund fully the United Nations appeals;

35. *Takes note* of those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

36. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016);

37. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

38. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the General Assembly submit the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its briefings to members of the Security Council, and recommends the continuation of future briefings;

39. *Also decides* to remain seized of the matter.

63rd meeting
23 March 2016

[Adopted by a recorded vote of 27 to 6, with 14 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Côte d'Ivoire, El Salvador, France, Georgia, Germany, Ghana, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Algeria, Bolivia (Plurinational State of), China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Burundi, Congo, Ecuador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Namibia, Nigeria, Philippines, South Africa, Viet Nam]

31/35. Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the relevant rules and principles of international law, including international humanitarian law and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Universal Declaration of Human Rights and the other human rights covenants, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Recalling further the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014 by the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,[3]

Recalling its relevant resolutions, including resolutions S-9/1 of 12 January 2009, 19/17 of 22 March 2012 and S-21/1 of 23 July 2014,

Expressing its appreciation to the independent commission of inquiry on the 2014 Gaza conflict, and all other relevant United Nations mechanisms, as well as the treaty bodies and other United Nations bodies, for their reports,

Affirming the obligation of all parties to respect international humanitarian law and international human rights law,

Emphasizing the importance of the safety and well-being of all civilians, reaffirming the obligation to ensure the protection of civilians in armed conflict, and deploring the civilian deaths that resulted from the conflict in and around the Gaza Strip in, inter alia,

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[3] See A/69/711-S/2015/1, annex.

July and August 2014, including the killing of 1,462 Palestinian civilians, including 551 children and 299 women, and six Israeli civilians,

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law, including possible war crimes, including the findings of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, of the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, of the independent commission of inquiry on the 2014 Gaza conflict and of the boards of inquiry convened by the Secretary-General,

Condemning all violations of human rights and international humanitarian law, and appalled at the widespread and unprecedented levels of destruction, death and human suffering caused in the Occupied Palestinian Territory, including East Jerusalem,

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

Deploring the non-cooperation by Israel with all Human Rights Council fact-finding missions and the independent commission of inquiry on the 2014 Gaza conflict, and its refusal to grant access to and cooperate with international human rights bodies and a number of United Nations special procedures seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Regretting the lack of implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, which follows a pattern of lack of implementation of recommendations made by United Nations mechanisms and bodies,

Alarmed that long-standing systemic impunity for international law violations has allowed for the recurrence of grave violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice, deter further violations, protect civilians and promote peace,

Regretting the lack of progress in the conduct of domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli civil and criminal legal system contributing to the denial of the right of Palestinian victims to effective judicial remedy,

Emphasizing the need for States to investigate grave breaches of the Geneva Conventions of 1949, to end impunity, to uphold their obligations to ensure respect, and to promote international accountability,

Noting the accession by Palestine on 2 January 2015 to the Rome Statute of the International Criminal Court,

1. *Welcomes* the report of the independent commission of inquiry on the 2014 Gaza conflict;[4]

2. *Calls upon* all duty bearers and United Nations bodies to pursue the implementation of the recommendations contained in the reports of the independent

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[4] A/HRC/29/52.

commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

3. *Notes* the importance of the work of the independent commission of inquiry on the 2014 Gaza conflict, the United Nations independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict and the information collected regarding grave violations in support of future accountability efforts, in particular, information on alleged perpetrators of violations of international law;

4. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account through appropriate fair and independent national or international criminal justice mechanisms, and to ensure the provision of effective remedy to all victims, including full reparations, and stresses the need to pursue practical steps towards these goals;

5. *Calls upon* the parties concerned to cooperate fully with the preliminary examination of the International Criminal Court and with any subsequent investigation that may be opened;

6. *Calls upon* all States to promote compliance with international law, and all High Contracting Parties to the Fourth Geneva Convention to respect, and to ensure respect for, international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the said Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties;

7. *Recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations made by the United Nations Fact-Finding Mission on the Gaza Conflict in its report has been or is being taken at the national or international levels to ensure justice for victims and accountability for perpetrators;

8. *Requests* the United Nations High Commissioner for Human Rights to conduct a comprehensive review detailing the status of implementation of the recommendations addressed to all parties since 2009 by the relevant Human Rights Council mechanisms, namely previous fact-finding missions, the commission of inquiry and special procedures, and by United Nations treaty bodies, the Office of the High Commissioner and the Secretary-General in his reports to the Human Rights Council, and to identify patterns of non-compliance, non-implementation and non-cooperation, to propose follow-up measures to ensure implementation, and to present a report to the Council at its thirty-fifth session;

9. *Also requests* the High Commissioner to present an oral update on the progress of the above-mentioned review to the Human Rights Council at its thirty-fourth session;

10. *Decides* to remain seized of the matter.

66th meeting
24 March 2016

[Adopted by a recorded vote of 32 to 0, with 15 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Belgium, Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, El Salvador, France, Indonesia, Kenya, Kyrgyzstan, Maldives, Mexico, Mongolia, Morocco, Namibia, Nigeria, Panama, Philippines, Portugal, Qatar, Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Albania, Botswana, Congo, Côte d'Ivoire, Ethiopia, Georgia, Germany, Ghana, India, Latvia, Netherlands, Paraguay, Republic of Korea, Togo, United Kingdom of Great Britain and Northern Ireland]

32/24. Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

Recalling also its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolutions 20/20 of 6 July 2012, 23/21 of 14 June 2013, 26/24 of 27 June 2014 and 29/18 of 2 July 2015,

Noting that Eritrea is a State party to international and regional human rights instruments, and urging it to comply with its international obligations therefrom,

Noting also the participation of Eritrea in the second cycle of the universal periodic review and its acceptance of 92 recommendations, and its programme with the United Nations Development Programme to implement those recommendations, and calling upon the Government of Eritrea to take immediate concrete measures to implement those recommendations,

Welcoming the action taken by the Government of Eritrea to protect and promote the economic and social rights of its people, including through the early achievement of the Millennium Development Goals and its commitment to the Sustainable Development Goals,

Welcoming also the commitment of the Government of Eritrea to the promotion of gender equality, including through its programmes to end female genital mutilation and its campaign to end child marriage,

Welcoming further the meeting held between the Government of Eritrea and the members of the technical assessment mission undertaken by the Office of the United Nations High Commissioner for Human Rights, including the mission from 1 to 5 February 2016, while concerned at their limited access to the country, and encouraging further such missions,

Commending the commission of inquiry on human rights in Eritrea for completing its work in a transparent, impartial and consultative manner while regretting the continued lack of cooperation by the Government of Eritrea with the commission of inquiry and the Special Rapporteur on the situation of human rights in Eritrea, including the lack of access to the country,

Welcoming the work of the commission of inquiry on human rights in Eritrea, and taking note of its report and recommendations,[5]

Emphasizing that everyone has the right to take part in the conduct of public affairs of his or her country, directly or through freely chosen representatives, and expressing grave concern that national elections in Eritrea have not been held since 1993 and that the Constitution of 1997 has never been implemented,

Expressing deep concern at the commission's findings that there are reasonable grounds to believe that crimes against humanity have been committed in Eritrea since 1991,

Expressing deep concern also at the commission's findings that Eritrean officials have committed and continue to commit the crimes of enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder,

Noting with deep concern the commission's findings regarding crimes involving human rights violations, committed by government and ruling party officials, military commanders and members of the National Security Office,

Noting the commission's identification of individual suspects and careful maintenance of relevant information that may assist future accountability efforts,

Noting with grave concern the continued use by the Government of Eritrea of arbitrary arrest and detention, including incommunicado detention in extremely harsh and life-threatening conditions, of persons suspected of evasion of national service, attempting to flee the country or having a family member who has fled, inability to produce identity documents, exercising the right to freedom of religion, freedom of opinion, being perceived as critical of the Government, and of those who return to the country, and those detained in the aftermath of the takeover on 21 January 2013 of the building of the Ministry of Information,

Noting with regret the use of conscripts as forced labour in a wide range of economic activities,

Welcoming the release by the Government of Eritrea, following the mediation of the Government of Qatar, of four Djiboutian prisoners of war on 18 March 2016, while recalling that 13 other Djiboutian prisoners of war are still detained in Eritrea,

Expressing grave concern at the widespread use of indefinite conscription into national/military service, a system that constitutes forced labour, and the reported forced conscription of children under the age of 18 into military service, and regretting that the fear and experience of a lengthy national service causes large numbers of Eritreans to leave the country,

Deeply concerned that the situation of human rights in Eritrea is a primary factor in the increasing number of Eritreans leaving their country, often facing risks of abduction, abhorrent physical and mental abuse and other ill-treatment on their migration path, including abuses by smugglers and human traffickers, while welcoming the participation of the Government of Eritrea in multilateral forums to discuss trafficking,

Noting with deep concern the commission's findings regarding persecution on both religious and ethnic grounds, including its assessment that there are reasonable grounds to believe that Eritrean officials have intentionally and severely deprived Eritrean Kunama and Afar persons of the enjoyment of their human rights and fundamental freedoms and that, at a minimum, the persecution of members of non-authorized religious denominations persists,

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[5] A/HRC/32/47.

1. *Welcomes with appreciation* the work of the commission of inquiry on human rights in Eritrea,[7] stresses the importance of the information it has collected in support of future accountability, and urges the Government of Eritrea to take immediate and concrete steps to implement its recommendations;

2. *Welcomes* the oral update of the Special Rapporteur on the situation of human rights in Eritrea to the Human Rights Council at its thirty-first session on the issue of unaccompanied Eritrean children, and recognizes the special protection needs of unaccompanied children fleeing Eritrea and who are subjected to violations and abuses of human rights such as, inter alia, trafficking, abduction for ransom, sexual violence and torture;

3. *Condemns in the strongest terms* the reported systematic, widespread and gross human rights violations that have been and are being committed by the Government of Eritrea in a climate of generalized impunity;

4. *Condemns in particular* the arbitrary detention, enforced disappearances, enslavement, torture, killing, sexual violence, discrimination on the basis of religion and ethnicity and reprisals for the alleged conduct of family members, and the human rights violations in the context of indefinite national service, including those involving forced labour, the forced military conscription of children and sexual violence;

5. *Expresses its deep concern* at the severe restrictions on the rights to freedom to hold opinions and expression, freedom to seek, receive and impart information, liberty of movement, freedom of thought, conscience and religion, and freedom of peaceful assembly and association, and at the detention of journalists, human rights defenders, political actors, religious leaders and practitioners in Eritrea;

6. *Reiterates* its numerous calls upon the Government of Eritrea, without delay:

(*a*) To end its use of arbitrary detention of persons in Eritrea, and to end the use of torture or other cruel, inhumane and degrading treatment or punishment;

(*b*) To account for and release all political prisoners, including the members of the G-15 reform group and journalists;

(*c*) To account for those detained in the aftermath of the takeover on 21 January 2013 of the building housing the Ministry of Information, and either to release them or to ensure that they are given a fair and transparent trial without undue delay and with full respect for minimum fair-trial guarantees;

(*d*) To ensure free, fair and equal access to an independent and impartial court to challenge the lawfulness of any detention, and to improve prison conditions, including by prohibiting the use of underground cells and shipping containers to hold prisoners, ending the use of secret detention centres and the practice of incommunicado detention, allowing regular access to prisoners for relatives, legal advocates and independent monitoring mechanisms, and to permit prompt and regular unhindered access to medical care;

(*e*) To put an end to the system of indefinite national service by demobilizing national service conscripts who have completed their mandatory 18 months of service, as announced by the Government of Eritrea, and by effectively ending the practice of engaging them in forced labour after such a period, to provide for conscientious objection to military service, and to end the compulsory practice of all children undertaking the final year of schooling in a military training camp;

(*f*) To end the practice of forcing citizens to participate in the militia;

(*g*) To investigate promptly all allegations of extrajudicial killings, torture and other cruel, inhumane and degrading treatment or punishment, rape and sexual abuse within the national service, and to bring perpetrators to justice;

(*h*) To end, and to confirm the end to, the practice of shooting to wound or kill citizens attempting to cross the border to flee the country;

(*i*) To collaborate with human rights and humanitarian organizations and to allow them to operate in Eritrea without fear or intimidation in order to facilitate the full implementation of the Strategic Partnership Cooperation Framework for 2013-2016 signed by the Government of Eritrea and the United Nations on 28 January 2013, and other human rights-related projects;

(*j*) To respect everyone's right to freedom of expression and to freedom of thought, conscience and religion or belief, and the rights to freedom of peaceful assembly and of association;

(*k*) To enhance further the promotion and protection of women's rights, including by taking additional measures to combat harmful practices, such as child, early and forced marriage and female genital mutilation;

(*l*) To implement the recommendations made during its second universal periodic review, to report on progress made and to cooperate fully with the Human Rights Council and the universal periodic review during its third cycle;

(*m*) To end "guilt-by-association" policies that target family members of those who evade national service, seek to flee Eritrea or commit any other alleged crimes;

(*n*) To strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights in accordance with its international human rights obligations, and to consider inviting the Office of the High Commissioner to establish a presence of the Office, with a holistic mandate, in the country;

(*o*) To allow unhindered access to the country to further missions by the Office of the High Commissioner, the human rights treaty bodies and all mechanisms of the Human Rights Council, and to cooperate with all international and regional human rights mechanisms;

(*p*) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of the takeover on 21 January 2013 of the building of the Ministry of Information, and the 13 Djiboutian combatants still detained;

(*q*) To allow the creation of political parties and to guarantee their political participation, and to hold free, fair and transparent democratic elections at all levels;

(*r*) To account for the modalities and the progress of the expert group appointed to work on a constitution for Eritrea, while implementing the Constitution of 1997 in the meantime, and to govern in accordance with the principles of the rule of law;

7. *Encourages* States in which witnesses reside to protect those who have cooperated with the commission of inquiry and the Special Rapporteur, and in particular to protect them from reprisals;

8. *Takes note* of the commission's conclusion that a regional mechanism could be created to address accountability in Eritrea, given the commission's assertion that neither a hybrid tribunal nor a truth commission would be a viable option in the current circumstances;

9. *Urges* Eritrea to make available information pertaining to the remaining Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

10. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year, and requests the mandate holder to follow up on the implementation of the recommendations of the commission of inquiry in its report, to present an oral update to the Human Rights Council at its thirty-fourth session and to submit a written report on the situation of human rights in Eritrea to the Council at its thirty-fifth session, and to address and engage in an interactive dialogue with the General Assembly at its seventy-first session;

11. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, to permit the Special Rapporteur and her staff members unrestricted access to visit the country, to give due consideration to the recommendations contained in the reports of the Special Rapporteur, and to provide her with the information necessary for the fulfilment of her mandate, and underlines the importance for all States to lend their support to the Special Rapporteur for the discharge of her mandate;

12. *Requests* the Office of the High Commissioner to continue to enhance engagement in improving the situation of human rights in Eritrea, and to present an oral update to the Human Rights Council at its thirty-fifth session on progress in the cooperation between Eritrea and the Office, and on its impact on the situation of human rights in Eritrea;

13. *Urges* the international community to strengthen efforts and collaboration to ensure the protection of those fleeing from Eritrea, in particular unaccompanied children;

14. *Encourages* business enterprises to carry out appropriate human rights due diligence in order to identify, prevent, mitigate and account for how they address their human rights impact, including with respect to allegations of use of conscript labour;

15. *Encourages* Member States to increase attention and, if feasible, resources to improve the situation of human rights in Eritrea by strengthening engagement with the Government of Eritrea;

16. *Requests* the Secretary-General to provide the Special Rapporteur with all information and the resources necessary to fulfil her mandate;

17. *Requests* the General Assembly to submit the report and the oral updates of the commission of inquiry to all relevant organs of the United Nations for consideration and appropriate action;

18. *Strongly encourages* the African Union to follow up on the report and recommendations of the commission of inquiry on human rights in Eritrea by establishing an investigation, supported by the international community, with a view to examining and bringing to justice those responsible for violations and abuses of human rights identified by the commission of inquiry, including any that may amount to a crime against humanity;

19. *Decides* to remain seized of the matter.

45th meeting
1 July 2016

[Adopted without a vote.]

32/28. Declaration on the Right to Peace

The Human Rights Council,

Recalling all previous resolutions on the promotion of the right of peoples to peace adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

1. *Adopts* the Declaration on the Right to Peace, as contained in the annex to the present resolution;

2. *Recommends* that the General Assembly, in accordance with paragraph 5 (*c*) of its resolution 60/251 of 15 March 2006, adopt the following draft resolution:

> "*The General Assembly,*
>
> *Welcoming* the adoption by the Human Rights Council, through its resolution of the Declaration on the Right to Peace,
>
> 1. *Adopts* the Declaration on the Right to Peace, as contained in the annex to the present resolution;
>
> 2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof."

45th meeting
1 July 2016

[Adopted by a recorded vote of 34 to 9, with 4 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mexico, Mongolia, Morocco, Namibia, Nigeria, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Belgium, France, Germany, Latvia, Netherlands, Republic of Korea, Slovenia, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Albania, Georgia, Portugal, Switzerland]

Annex

Declaration on the Right to Peace

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Vienna Declaration and Programme of Action,

Recalling also the Declaration on the Right to Development, the United Nations Millennium Declaration, the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, and the 2005 World Summit Outcome,

Recalling further the Declaration on the Preparation of Societies for Life in Peace, the Declaration on the Right of Peoples to Peace and the Declaration and Programme of Action on a Culture of Peace, and other international instruments relevant to the subject of the present Declaration,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also that the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations solemnly proclaimed the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations; the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter; the duty of States to cooperate with one another in accordance with the Charter; the principle of equal rights and self-determination of peoples; the principle of the sovereign equality of States; and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

Reaffirming the obligations of all Member States, as enshrined in the Charter, to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Acknowledging that the fuller development of a culture of peace is integrally linked to the realization of the right of all peoples, including those living under colonial or other forms of alien domination or foreign occupation, to self-determination as enshrined in the Charter and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Convinced that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter, as stated in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in General Assembly resolution 2625 (XXV) of 24 October 1970,

Recognizing the importance of the settlement of disputes or conflicts through peaceful means,

Deeply deploring all acts of terrorism, recalling that the Declaration on Measures to Eliminate International Terrorism declared that acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations and may pose a threat to international peace and security, jeopardize friendly relations among States, threaten the territorial integrity and security of States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society, and reaffirming that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed,

Stressing that all measures taken in the fight against terrorism must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law, as well as those enshrined in the Charter,

Urging all States that have not yet done so to consider, as a matter of priority, becoming parties to international instruments related to terrorism,

Reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but are complementary and mutually reinforcing,

Reaffirming also the determination of the peoples of the United Nations, as expressed in the Preamble to the Charter, to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to promote social progress and better standards of life in larger freedom, and to practice tolerance and live together in peace with one another as good neighbours,

Recalling that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Recognizing that peace is not only the absence of conflict but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation, and socioeconomic development is ensured,

Recalling that the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and recognizing that peace is promoted through the full enjoyment of all inalienable rights derived from the inherent dignity of all human beings,

Recalling also that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Recalling further the world commitment to eradicate poverty and to promote sustained economic growth, sustainable development and global prosperity for all, and the need to reduce inequalities within and among countries,

Recalling the importance of the prevention of armed conflict in accordance with the purposes and principles of the Charter and of the commitment to promote a culture of prevention of armed conflict as a means of effectively addressing the interconnected security and development challenges faced by peoples throughout the world,

Recalling also that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women, on equal terms with men in all fields,

Reaffirming that, since wars begin in the minds of human beings, it is in the minds of human beings that the defence of peace must be constructed, and recalling the importance of the settlement of disputes or conflicts through peaceful means, *Recalling* the need for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs,

Recalling also that development assistance and capacity-building based on the principle of national ownership in post-conflict situations should restore peace through rehabilitation, reintegration and reconciliation processes involving all those engaged, and recognizing the importance of the peacemaking, peacekeeping and peacebuilding activities of the United Nations for the global pursuit of peace and security,

Recalling further that the culture of peace and the education of humanity for justice, liberty and peace are indispensable to the dignity of human beings and constitute a duty that all nations must fulfil in a spirit of mutual assistance and concern,

Reaffirming that the culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life, as identified in the Declaration on a Culture of Peace, and that all this should be fostered by an enabling national and international environment conducive to peace,

Recognizing the importance of moderation and tolerance as values contributing to the promotion of peace and security,

Recognizing also the important contribution that civil society organizations can make in building and preserving peace, and in strengthening a culture of peace,

Stressing the need for States, the United Nations system and other relevant international organizations to allocate resources to programmes aimed at strengthening a culture of peace and upholding human rights awareness through training, teaching and education,

Stressing also the importance of the contribution of the United Nations Declaration on Human Rights Education and Training to the promotion of a culture of peace,

Recalling that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding, are among the best guarantees of international peace and security,

Recalling also that tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human, and the virtue that makes peace possible and contributes to the promotion of a culture of peace,

Recalling further that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of a society as a whole and within a democratic framework based on the rule of law would contribute to the strengthening of friendship, cooperation and peace among peoples and States,

Recalling the need to design, promote and implement, at the national, regional and international levels, strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance,

Recognizing that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination, are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts,

Inviting solemnly all stakeholders to guide themselves in their activities by recognizing the high importance of practicing tolerance, dialogue, cooperation and solidarity among all human beings, peoples and nations of the world as a means to promote peace; to that end, present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war,

Declares the following:

Article 1

Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized.

Article 2

States should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear and want as a means to build peace within and between societies.

Article 3

States, the United Nations and specialized agencies should take appropriate sustainable measures to implement the present Declaration, in particular the United Nations Educational, Scientific and Cultural Organization. International, regional, national and local organizations and civil society are encouraged to support and assist in the implementation of the present Declaration.

Article 4

International and national institutions of education for peace shall be promoted in order to strengthen among all human beings the spirit of tolerance, dialogue, cooperation and solidarity. To this end, the University for Peace should contribute to the great universal task of educating for peace by engaging in teaching, research, post-graduate training and dissemination of knowledge.

Article 5

Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations. The provisions included in the present Declaration are to be understood in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international and regional instruments ratified by States.

III. Resolution adopted at the twenty-fourth special session

S-24/1. Preventing the deterioration of the human rights situation in Burundi

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling further Human Rights Council resolution 30/27 of 2 October 2015 on technical assistance and capacity-building for Burundi in the field of human rights,

Reaffirming that States have the primary responsibility for the promotion and protection of all human rights and fundamental freedoms,

Reaffirming also its strong commitment to the sovereignty, political independence, territorial integrity and unity of Burundi,

Recognizing that the international community, including the Human Rights Council, can play an important and helpful role in preventing the further deterioration of the human rights situation in Burundi by highlighting the human rights violations and abuses and the risk of escalation of the conflict,

Recognizing also the importance of the prevention of human rights violations and abuses in Burundi, especially in the context of past mass atrocities in the region,

Acknowledging that serious abuses and violations of human rights can be an early indication of a descent into conflict or escalation of conflict, as well as a consequence thereof,

Expressing grave concern about the increase in violence and the serious human rights violations and abuses in Burundi shared by the Chairperson of the Commission of the African Union in her statement on 4 November 2015 and reported in a briefing of the Security Council on 9 November 2015 by the United Nations High Commissioner for Human Rights, the Under-Secretary-General for Political Affairs, and the Commissioner for Peace and Security of the African Union,

Reaffirming that the Arusha Agreement, which has been the basis for the Constitution of Burundi, provides the foundation for peacebuilding, national reconciliation and the strengthening of democracy and the rule of law,

Emphasizing that mediation, the peaceful settlement of disputes, and conflict prevention and resolution can, among other tools, play an important role in preventing disputes from escalating into conflicts and conflicts from escalating further, as well as in advancing the resolution of conflicts and in preventing and/or reducing violations and abuses of human rights,

Taking note with appreciation of the support of the international community for the search for a peaceful solution to the crisis facing Burundi, including, inter alia, the efforts of the African Union, the East African Community, the African Commission on Human and Peoples' Rights, previous independent experts on Burundi and the Peacebuilding Commission, *Welcoming* Security Council resolution 2248 (2015) of 12 November 2015, in which, inter alia, the Council invited the Secretary-General to deploy a team to Burundi to coordinate and work with the Government of Burundi, the African Union and other partners, the Secretary-General's appointment of a special adviser on conflict prevention to focus on Burundi, and the letter dated 1 December 2015 from the Secretary-General addressed to the President of the Security Council on the situation in Burundi,[6]

Welcoming also the adoption by the African Union Peace and Security Commission on 13 November 2015 of its decision on the situation in Burundi, in which it expressed its deep concern about the prevailing insecurity and violence in the country and its humanitarian consequences, its strong condemnation of the human rights violations and abuses committed and its strong condemnation of inflammatory statements made by Burundian political leaders, which have the potential of aggravating the current tensions and creating conditions of violence of untold consequences for Burundi and the region; expressing its determination to address these issues; and outlining the efforts of the African Union to, inter alia, appoint human rights observers and military experts, launch a thorough investigation of violations and abuses of human rights, impose sanctions against those who contribute to the persistence of violence and impede the search for a solution, undertake contingency planning, and further mediation efforts aimed at the resumption of dialogue to resolve these issues,

Taking note with appreciation of the joint statement on Burundi of 12 November 2015 by the Deputy Secretary-General of the United Nations, the Chairperson of the African Union and the European Union High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission,

Taking note with appreciation also of the statement of the Special Adviser on the Prevention of Genocide about Burundi on the first International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime on 9 December 2015, and also noting the importance of ensuring respect for human rights and the rule of law to mitigate the risk of atrocity crimes being committed,

Taking note with appreciation further of the statement made on 13 November 2015 by a group of special procedure mandate holders, in which they noted that the situation in Burundi continued to deteriorate with daily reports of serious human rights violations, including extrajudicial killings, arbitrary arrests and detentions, torture, attacks on independent media and the harassment and killing of human rights defenders, unjustified limitations on freedoms of peaceful assembly and expression, adding to more than 200,000 persons displaced by violence,

Emphasizing that an inclusive, internationally mediated dialogue and the disarmament of all illegally armed groups and individuals constitute fundamental elements that contribute to the prevention of further violations and abuses of human rights in Burundi,

Stressing the urgency of convening an inter-Burundian dialogue in coordination with the Government of Burundi and all concerned and peaceful stakeholders, both those who are in Burundi and those outside the country, in order to find a consensual and nationally owned solution to the current crisis, taking note of the establishment of the National Commission for the inter-Burundian Dialogue, and stressing the importance that the Commission be inclusive, transparent and convened promptly,

Calling for the reinforcement of regionally led mediation efforts, including those of the East African Community and the African Union, calling also for consultations with the Government of Burundi and other stakeholders, and underlining the need to expedite the preparatory process of the dialogue, including the convening of a pre-dialogue consultation involving all relevant international facilitators, to ensure an adequate preparation of the inter-Burundian dialogue and its success,

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[6] S/2015/926.

Expressing deep concern about recent extrajudicial killings and attempted killings, including those relating to the attacks of 11 December 2015, the killings of Pierre Claver Mbonimpa's son-in-law in October and of his son in November, and the non-fatal shooting of Mr. Mbonimpa himself in August, taking note of the record of judicial process related to these incidents, and encouraging the Burundian authorities to allow or to conduct thorough and independent investigations of all such incidents, ensuring that all perpetrators of extrajudicial killings are brought to justice,

Expressing deep concern also about the recent reports of suspension of more than 10 civil society organizations, the harassment of publishers of independent media, including of the newspaper Iwacu, and the ongoing closure of the radio stations Radio Publique Africaine, Isanganiro and Bonesha since June 2015, and urging the Burundian authorities to create and maintain, in law and in practice, a safe and enabling environment in which journalists and civil society can operate free from hindrance and insecurity,

Reaffirming that all States Members of the Human Rights Council should uphold the highest standards in the promotion and protection of human rights, and urging the Government of Burundi to be mindful of these standards,

1. *Expresses its deep concern* about the deterioration of the human rights and humanitarian situation in Burundi, and underscores that the promotion and protection of human rights should remain central to any solution to the crisis in Burundi;

2. *Calls upon* the Government of Burundi to respect, protect and guarantee all human rights and fundamental freedoms for all, in line with the country's international obligations, to adhere to the rule of law and undertake transparent accountability for acts of violence, and to cooperate fully with the Office of the United Nations High Commissioner for Human Rights in the fulfilment of its mandate;

3. *Strongly urges* all actors to create a climate conducive to the promotion of a genuine and inclusive dialogue, including the meaningful participation of women, based on respect of the Arusha Agreement in order to reach a consensual political solution which would aim to preserve peace, strengthen democracy and ensure the enjoyment of human rights for all in Burundi;

4. *Strongly condemns* the ongoing serious violations and abuses of human rights in Burundi by all actors, particularly the restrictions on freedom of expression, including of the media, and freedom of peaceful assembly and association, and those involving excessive use of force by the security forces against demonstrators and other civilians, including the use of live ammunition against protesters, resulting in deaths, extrajudicial killings, the arbitrary detention of protesters, acts of torture and ill-treatment against detainees, the harassment and intimidation of human rights defenders, members of the opposition and journalists, including by armed youth groups affiliated with political parties, including the majority party, and retributive acts of violence, including targeted assassinations, and the climate of impunity in which these acts are committed;

5. *Reiterates its firm condemnation* of all violations and abuses of human rights by all parties, and of the incendiary statements of some actors in the country;

6. *Deplores* that recent weeks have witnessed a worrying resurgence in and escalation of violence and a drastic increase in human rights violations and abuses;

7. *Strongly denounces* all parties whose actions contribute to the persistence of violence and hinder the promotion of a peaceful solution to the crisis, including armed groups, such as the Imbonerakure;

8. *Calls upon* the Government of Burundi and other parties to refrain from any statements or actions that could exacerbate tensions and to publicly condemn any such

statements so as to take into account the best interests of the country and to respect fully the letter and spirit of the Arusha Agreement, a backbone for peace and democracy;

9. *Calls upon* the Burundian authorities to undertake to protect the people of Burundi against unlawful acts of intimidation and violence, and to respect, protect and promote all human rights and fundamental freedoms for all, in line with the country's international obligations, and to adhere to the rule of law and promote transparent accountability for all human rights violations and abuses;

10. *Also calls upon* the Burundian authorities to conduct thorough and independent investigations of serious violations and abuses of human rights so that all perpetrators, regardless of their affiliation, are held to account;

11. *Further calls upon* the Burundian authorities to ensure equitable political processes and to enable the holding of free, fair and transparent democratic elections;

12. *Welcomes* the efforts made at the regional and subregional levels, including by the East African Community and the Peace and Security Commission of the African Union, to monitor the situation of human rights in Burundi and to contribute to its improvement;

13. *Expresses its deep concern* about the difficult situation of the more than 220,000 Burundian refugees who have fled to neighbouring countries and the countless internally displaced persons, and calls upon receiving countries and the international community to continue to provide protection and assistance, while noting with satisfaction the progress regarding the voluntary return of refugees;

14. *Welcomes in particular* the urgent deployment and work of the African Union human rights observers to Burundi, the deployment by the African Commission on Human and Peoples' Rights of a fact-finding mission to Burundi, and the final communiqué of 13 December 2015 of the fact-finding mission of the African Commission on Human and Peoples' Rights, and calls upon the Burundian authorities to cooperate fully with these officials and to grant them access necessary to the discharging of their mandate;

15. *Encourages* the Government of Burundi to cooperate with the regionally led mediation to enable it to immediately convene an inclusive and genuine inter-Burundian dialogue involving all concerned and peaceful stakeholders, both those who are in Burundi and those outside the country, in order to find a consensual and nationally owned solution to the current crisis;

16. *Decides* to enhance the interactive dialogue on the human rights situation in Burundi, called for by the Human Rights Council in its resolution 30/27, at its thirty-first and thirty-third sessions so as to include the participation of other stakeholders, in particular representatives of the African Union, the African Commission on Human and Peoples' Rights, civil society and relevant special procedures addressing human rights in Burundi;

17. *Requests* the United Nations High Commissioner for Human Rights to urgently organize and dispatch on the most expeditious basis possible a mission by independent existing experts:

(*a*) To undertake swiftly an investigation into violations and abuses of human rights with a view to preventing further deterioration of the human rights situation;

(*b*) To make recommendations on the improvement of the human rights situation and on technical assistance to support reconciliation and the implementation of the Arusha Agreement;

(*c*) To engage with the Burundian authorities and all other relevant stakeholders, including United Nations agencies, civil society, refugees, the field presence of the Office of the High Commissioner in Burundi, authorities of the African Union, and the African Commission on Human and Peoples' Rights, in particular with a view to help the State to fulfil its human rights obligations, to ensure accountability for human rights violations and abuses, including by identifying alleged perpetrators, to adopt appropriate transitional justice measures and to maintain the spirit of the Arusha Agreement;

(*d*) To ensure the complementarity and coordination of this effort with other efforts of the United Nations, the African Union and other appropriate regional and international entities, drawing on the expertise of the African Union and the African Commission on Human and Peoples' Rights to the extent practicable;

(*e*) To have a representative of the experts issue an oral update and participate in an enhanced interactive dialogue on the human rights situation in Burundi at the thirty-first session of the Human Rights Council, and to issue a final report and participate in an enhanced interactive dialogue on the human rights situation in Burundi at the thirty-third session;

18. *Requests* that the Office of the High Commissioner be provided with all necessary resources to fulfil this mandate;

19. *Decides* to remain seized of the matter.

2nd meeting
17 December 2015

[Adopted without a vote.]

IV. Thirty-first session

A. Resolutions

31/1. Composition of staff of the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Recalling paragraph 5 (*g*) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

Taking note of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Bearing in mind that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

Reaffirming the importance of continuing ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner, most notably in senior management positions,

Noting with concern that the dependence of the Office of the High Commissioner on extrabudgetary resources is at the heart of the imbalance in the composition of its staff,

Underlining that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, taking into account Article 101, paragraph 3 of the Charter of the United Nations, and expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

Recognizing that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Expresses serious concern* at the fact that the imbalance in the geographical representation in the composition of the Office of the United Nations High Commissioner for Human Rights continues to be prominent, particularly at the senior management level;

2. *Requests* the High Commissioner, within his administrative responsibilities, to redouble his efforts with a view to redress the current imbalance in the geographical composition of the staff of the Office, despite the budgetary contingency, and to establish specific and public targets and deadlines to be achieved;

3. *Also requests* the High Commissioner to work on attaining the broadest geographical diversity of his staff by strengthening the measures aimed at achieving better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

4. *Further requests* the High Commissioner to implement and promote further measures to eliminate the current imbalance in the geographical composition of the staff of the Office of the High Commissioner, taking particular measures to tackle the imbalance in the number of posts not subject to geographical distribution;

5. *Welcomes* the efforts made towards the achievement of a gender balance in the composition of the staff, and the decision to continue to pay special attention to this issue;

6. *Underlines* the importance of continuing to promote geographical diversity in recruitment and promotion in the Professional category and, in particular, in senior management positions as a principle of the staffing policies of the Office of the High Commissioner;

7. *Recognizes* that efforts to achieve savings and the efficient utilization of resources should not adversely affect the full implementation of mandated programmes and activities and the measures taken for improving the geographical composition of the staff;

8. *Reaffirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds and of different political, economic and legal systems to the promotion and protection of the universality of human rights;

9. *Recalls* the provisions contained in section IX, paragraph 2 of General Assembly resolution 63/250 of 24 December 2008, on human resources management, in which the Assembly requested the Secretary-General to ensure as wide a geographical distribution of staff as possible in all departments, offices and levels, including the Director level and higher levels, of the Secretariat;

10. *Underlines* the priority importance with which the General Assembly should continue to provide support and guidance to the High Commissioner in the ongoing process of improving the geographical balance in the composition of the staff of the Office of the High Commissioner;

11. *Stresses* that extrabudgetary resources, in particular when they are related to the establishment of new posts, shall be used in a manner consistent with the mandates, programmes and activities of the Organization, including the principle of equitable geographical distribution of the staff, and in compliance with the existing budgetary rules and regulations;

12. *Requests* the High Commissioner to continue to improve his interaction with Member States, including within the framework of President's statements PRST/15/2 of 1 October 2010, PRST/18/2 of 30 September 2011 and PRST/19/1 of 22 March 2012, and giving particular attention to the composition of the staff;

13. *Also requests* the High Commissioner to submit a comprehensive and updated report to the Human Rights Council at its thirty-sixth session, with a special focus on further measures taken to correct the imbalance in the geographical composition of the staff of the Office of the High Commissioner;

14. *Decides* to remain seized of the matter.

62nd meeting
23 March 2016

[Adopted by a recorded vote of 33 to 13, with 1 abstention. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Nigeria, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Albania, Belgium, France, Georgia, Germany, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Mexico]

31/2. Integrity of the judicial system

The Human Rights Council,

Guided by articles 5, 6, 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 6, 7, 10, 14, 15, 16 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling also other important documents on the issue of the integrity of the judiciary endorsed by various forums of the United Nations, in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Safeguards guaranteeing protection of the rights of those facing the death penalty, and the Bangalore Principles of Judicial Conduct,

Recalling further its resolutions 19/31 of 23 March 2012 and 25/4 of 27 March 2014, and the previous relevant resolutions of the Commission on Human Rights,

Stressing that most of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are not territorially limited and cannot be read as restricting or limiting States' obligations to respect the rights of all persons, anywhere in the world, to be free from torture and ill-treatment,

Convinced that the integrity of the judicial system, together with its independence and impartiality, is an essential prerequisite for the protection of human rights and fundamental freedoms, for upholding the rule of law and democracy and ensuring that there is no discrimination in the administration of justice,

Noting with concern that the lack of and discrimination in access to justice can cause grave violations of the human rights of those deprived of such access,

Stressing that the integrity of the judiciary should be observed at all times,

1. *Notes* the expert consultation on human rights considerations relating to the administration of justice through military tribunals and the role of the integral judicial system in combating human rights violations, held on 24 November 2014, in accordance with Human Rights Council resolution 25/4, and the report on its outcome;[7]

2. *Takes note* of the conclusions and recommendations made by the Special Rapporteur on the independence of judges and lawyers in her report, submitted to the

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[7] A/HRC/28/32.

General Assembly at its sixty-eighth session,[8] in particular that military tribunals, when they exist, must be an integral part of the general justice system and operate in accordance with human rights standards, including by respecting the right to a fair trial and due process guarantees;

3. *Reaffirms* the right of everyone to recognition everywhere as a person before the law;

4. *Reiterates* that, as declared in article 14 of the International Covenant on Civil and Political Rights, every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal duly established by law in the determination of his or her rights and obligations and of any criminal charge against him or her, and that he or she is entitled to the presumption of innocence until proved guilty according to law;

5. *Notes* that, according to paragraph 5 of the Basic Principles on the Independence of the Judiciary, everyone has the right to be tried by ordinary courts or tribunals using established legal procedures, and that tribunals that do not use duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

6. *Underlines* that any court trying a person charged with a criminal offence should be competent, independent and impartial;

7. *Also underlines* the importance of the full respect for the rule of law and the guarantees of due process in order to ensure that all areas of public activities fall within the reach of legal remedies;

8. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing and to have all the guarantees necessary for their legal defence;

9. *Calls upon* States to ensure that the principles of equality before the courts and before the law are respected within their judicial systems by, inter alia, providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

10. *Urges* States concerned to close down promptly all secret detention facilities under their jurisdiction or control situated on their territories or abroad, and to ensure that all persons held in detention under their authority are provided with access to justice by ordinary courts acting in compliance with international due process and fair trial standards;

11. *Calls upon* States to investigate promptly and impartially all alleged cases of extraordinary renditions, secret detention, torture and practices tantamount to torture or other cruel, inhuman or degrading treatment, including under the pretext of countering terrorism, and to hold accountable everyone implicated, including at the highest level of authority, in ordering or executing those activities;

12. *Also calls upon* States to provide access to an effective remedy to all those who have been subject to prolonged arbitrary arrest and/or physical and mental suffering owing to lack of access to the general judicial system;

13. *Reaffirms* that every convicted person should have the right to have his or her conviction and sentence reviewed by a tribunal of competent, independent and impartial jurisdiction according to law;

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[8] A/68/285.

14. *Calls upon* States that have military courts or special tribunals for trying criminal offenders to ensure that such bodies are an integral part of the general judicial system and that such courts apply procedures that are recognized according to international law as guarantees of a fair trial, including the right to appeal a conviction and a sentence;

15. *Stresses* the importance of developing cooperation between national judicial systems with a view to, inter alia, strengthening the protection of persons deprived of their liberty;

16. *Invites* the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to take full account of the present resolution in the discharge of their mandates;

17. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

62nd meeting
23 March 2016

[Adopted without a vote.]

31/3. Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with these resolutions and the annexes thereto,

Recalling also Commission on Human Rights resolutions 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, General Assembly resolutions 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006, and Human Rights Council resolutions 6/28 of 14 December 2007, 15/15 of 24 September 2010 and 22/8 of 21 March 2013, entitled "Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism",

1. *Decides* to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years in the same terms as provided for by the Human Rights Council in its resolution 22/8;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by responding promptly to the Special Rapporteur's urgent appeals and providing the information requested;

3. *Calls upon* all Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his or her mandate;

5. *Decides* to continue consideration of this question in conformity with its annual programme of work.

62nd meeting
23 March 2016

[Adopted without a vote.]

31/4. Commemoration of the thirtieth anniversary of the Declaration on the Right to Development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reaffirming also all Commission on Human Rights, Human Rights Council and General Assembly resolutions on the right to development, the most recent being Council resolution 30/28 of 2 October 2015,

Emphasizing that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent and interrelated,

Emphasizing also the urgent need to make the right to development a reality for everyone,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[8] reaffirming that the Declaration on the Right to Development informed the 2030 Agenda, along with other relevant international instruments, and underlining the fact that the Sustainable Development Goals can be realized only through a credible, effective and universal commitment to the means of implementation by all stakeholders,

Emphasizing that the right to development should be central to the implementation of the 2030 Agenda for Sustainable Development,

Encouraging relevant bodies of the United Nations system, within their respective mandates, including United Nations funds, programmes and specialized agencies, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of 2030 Agenda for Sustainable Development, and to cooperate with the United Nations High Commissioner for Human Rights in the fulfilment of his mandate with regard to the implementation of the right to development,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular a global partnership for development, for the realization of the right to development and the elimination of obstacles to development, and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

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[8] General Assembly resolution 70/1.

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the High Commissioner shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

Welcoming the contribution of the universal periodic review mechanism to the realization of the right to development,

Recalling that the thirtieth anniversary of the Declaration on the Right to Development presents a unique opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves, and redoubling its efforts to implement this right, and encouraging Member States to convene, individually and collectively, events with their own resources for the commemoration of the thirtieth anniversary of the Declaration on the Right to Development,

Welcoming the decision of the General Assembly to convene a one-day high-level segment of the Assembly, in the margins of the general debate of the Assembly at its seventy-first session, in order to commemorate the thirtieth anniversary of the Declaration on the Right to Development,[10]

1. *Welcomes* the thirtieth anniversary of the Declaration on the Right to Development, and stresses the importance of the mandate of the United Nations High Commissioner for Human Rights with regard to the promotion and protection of the realization of the right to development, while fully recognizing its distinct nature and intrinsic value;

2. *Acknowledges* the work of the High Commissioner for the commemoration of the thirtieth anniversary of the Declaration on the Right to Development, and notes with interest the factsheet published thereon in January 2016;[11]

3. *Decides* to convene, at its thirty-second session, a panel discussion on the promotion and protection of the right to development as part of the celebrations of the thirtieth anniversary of the Declaration on the Right to Development;

4. *Invites* the High Commissioner to liaise with States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

5. *Requests* the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its thirty-third session, and decides to bring the report to the attention of the General Assembly ahead of the high-level segment to commemorate the thirtieth anniversary of the Declaration on the Right to Development;

6. *Encourages* all Member States to engage constructively in all discussions for the full implementation of the Declaration on the Right to Development.

62nd meeting
23 March 2016

[Adopted by a recorded vote of 34 to 0, with 13 abstentions. The voting was as follows:

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[10] See General Assembly resolution 70/155.

[11] Fact Sheet No. 37: *Frequently Asked Questions on the Right to Development*.

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mexico, Mongolia, Morocco, Namibia, Nigeria, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Albania, Belgium, France, Georgia, Germany, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

31/5. Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

Guided by the principles of economic, social and cultural rights enshrined in international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recalling also the United Nations Millennium Declaration, in which the heads of State and Government affirmed their commitment to spare no effort to promote democracy and strengthen the rule of law and respect for all internationally recognized human rights and fundamental freedoms, including the right to development,

Recalling further its resolutions on the question of the realization in all countries of economic, social and cultural rights, and the resolutions adopted by the Commission on Human Rights on the same topic,

Reaffirming the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, including particularly the adoption of legislative measures,

Underlining the human rights principles of, inter alia, non-discrimination, human dignity, equity, equality, universality and participation, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizing that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner,

Welcoming the initiatives undertaken to commemorate the fiftieth anniversary of the signing of the International Covenant on Economic, Social and Cultural Rights in 2016,

Recalling the commitment included in the International Covenant on Economic, Social and Cultural Rights to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant, *Recognizing* that human rights and social protection floors complement each other, and that social protection floors, when used as a baseline, have the potential to facilitate the enjoyment of economic, social and cultural rights and to reduce poverty and inequality,

Welcoming the adoption of the 2030 Agenda for Sustainable Development by the General Assembly in its resolution 70/1 on 25 September 2015, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative sustainable development goals and targets, and aiming to contribute to full implementation of the Agenda by 2030,

Welcoming also the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, adopted by the General Assembly in its resolution 69/313 on 27 July 2015, which is an integral part of the 2030 Agenda for Sustainable Development, supports and complements it and helps to contextualize its means of implementation targets with concrete policies and actions, and which reaffirmed the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,

1. *Calls upon* all States to give full effect to economic, social and cultural rights by, inter alia, taking all appropriate measures to implement the Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the most recent of which is resolution 28/12 of 26 March 2015;

2. *Calls upon* all States that have not yet signed and ratified the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority, and States parties to consider reviewing their reservations thereto;

3. *Welcomes* the more recent ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and encourages all States that have not yet signed and ratified the Optional Protocol to consider doing so, and also to consider making declarations under articles 10 and 11 thereof;

4. *Acknowledges* that social protection floors may facilitate the enjoyment of human rights, including the rights to social security, the highest attainable standard of physical and mental health, an adequate standard of living, including adequate food, clothing and housing, education, and safe drinking water and sanitation, in accordance with the human rights obligations of States, and in this regard underlines the importance of compliance with the principles of non-discrimination, transparency, participation and accountability;

5. *Takes note with appreciation* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights, with a special focus on the methodologies used at the national level to measure the realization of economic, social and cultural rights, submitted pursuant to Human Rights Council resolution 28/12,[12] and of the conclusions contained therein;

6. *Recognizes* that reliable information and disaggregated data are important for the assessment of progress or regression in the realization of economic, social and cultural rights, and can help to support the development of laws, policies and programmes to help States to meet their human rights obligations;

7. *Acknowledges* the importance of assessing progress in the realization of economic, social and cultural rights, and that human rights measurement can contribute positively to the implementation by States of their obligations, including in the context of

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[12] A/HRC/31/31

their interaction with international human rights mechanisms regarding their obligations, inter alia, with the treaty bodies and the universal periodic review;

8. *Also acknowledges* that systematic and coherent national mechanisms for assessing progress in respect of each State on the realization of economic, social and cultural rights, when fully in line with international human rights law principles and standards, can make policies, programmes and budgeting processes more efficient and help to improve State reporting on their implementation of those human rights obligations;

9. *Urges* States to consider adopting or further developing procedures for information gathering and measurement, which may, if analysed in the light of international human rights law principles and standards, serve as national indicators for State decision-making processes, and are transparent, participatory and allow for accountability;

10. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, and in this regard takes note with appreciation of measures taken to facilitate access to complaints procedures and the domestic adjudication of cases, as appropriate, for victims of alleged human rights violations;

11. *Welcomes* the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts;

12. *Recognizes* that the 17 Sustainable Development Goals and 169 targets seek to, inter alia, realize the human rights of all and to achieve gender equality and the empowerment of all women and girls, and that they are integrated and indivisible and balance the three dimensions of sustainable development, namely, the economic, the social and the environmental;

13. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the issuance of general comments, the consideration of periodic reports and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications;

14. *Also notes with interest* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;

15. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies and programmes, mechanisms of the Human Rights Council and other human rights treaty bodies whose activities have a bearing on economic, social and cultural rights in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

16. *Recognizes and encourages* the important contributions of regional organizations, national human rights institutions and civil society, including non-governmental organizations, academic and research institutions, business enterprises and trade unions to the question of the realization and enjoyment of economic, social and cultural rights, including training and information activities;

17. *Welcomes* the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise, including on human rights indicators, and its publications, studies, training and information activities on related issues, including through new information technologies;

18. *Requests* the Secretary-General to continue to prepare and submit to the Human Rights Council an annual report on the question of the realization in all countries of

economic, social and cultural rights under agenda item 3, with a special focus on the realization of economic, social and cultural rights in the implementation of the 2030 Agenda for Sustainable Development;

19. *Decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.

62nd meeting
23 March 2016

[Adopted without a vote.]

31/6. The rights of persons with disabilities in situations of risk and humanitarian emergencies

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto,

Noting with appreciation the Sendai Framework for Disaster Risk Reduction 2015-2030, adopted in Sendai, Japan, in March 2015,

Bearing in mind the upcoming tenth anniversary of the adoption of the Convention on the Rights of Persons with Disabilities, to be commemorated in December 2016,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 28/4 of 26 March 2015, and welcoming the efforts of all stakeholders to implement those resolutions,

Acknowledging that international humanitarian law and international human rights law are complementary and mutually reinforcing,

Recognizing that, in situations of armed conflict, all parties to armed conflicts have obligations under international humanitarian law that may relate to the protection of persons with disabilities,

Recalling in particular that article 11 of the Convention on the Rights of Persons with Disabilities provides that States parties to the Convention shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters,

Recognizing that persons with disabilities are often disproportionately affected in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and in their aftermath, and that they are often at increased risk of discrimination, exploitation and violence, including sexual and gender-based violence, and stressing the particular impact that armed conflict has on persons with disabilities,

Stressing the relevance of disaggregated data collection and analysis, including by disability, as applicable, as an important element in the design of inclusive policies, including those relating to situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, *Recognizing* that persons with disabilities require specific protection and safety measures, including in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and recognizing the need to support further participation and inclusion of persons with disabilities in the development of and decision-making processes relating to such measures,

Underlining that persons with disabilities and their organizations are critical in the assessment of disaster risk and in designing and implementing plans tailored to specific requirements, taking into consideration, inter alia, the principles of universal design,

Recognizing that the needs of persons with disabilities are often overlooked in the early phases of situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and the importance of providing timely and appropriate reintegration and rehabilitation assistance to persons with disabilities, while ensuring that their specific needs are addressed, in particular the needs of women and children with disabilities, such as access to health care, including sexual and reproductive health-care services, psychosocial support and educational programmes,

Recognizing also that participation, accountability, non-discrimination and empowerment are fundamental principles of a human rights-based approach to disability, and noting article 3 of the Convention on the Rights of Persons with Disabilities in this regard,

Noting the role that innovative means of communication and technology can play with regard to improving accessibility and helping to ensure that no constituency among persons with disabilities is excluded throughout the different stages of emergency response, including preparedness, response, recovery and reconstruction,

Deeply concerned that girls and women with disabilities are often subject to multiple, aggravated or intersecting forms of discrimination and disadvantage,

Deeply concerned also about the particular risk of segregation, abuse and violence, including sexual and gender-based violence against persons with disabilities of all ages, especially in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters,

Welcoming the report of the Special Rapporteur on the rights of persons with disabilities on the participation of persons with disabilities in political and public life and in public decision-making,[13]

Noting with appreciation the work undertaken in support of the Convention, including the work of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, the report of the Secretary-General on the status of the Convention and the Optional Protocol thereto,[14] and the work of the Committee on the Rights of Persons with Disabilities, the Special Rapporteur, the Special Envoy of the Secretary-General on Disability and Accessibility, the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities and the International Red Cross and Red Crescent Movement,

Noting the preparations for the Social Forum of the Human Rights Council, which will be held from 3 to 5 October 2016 in Geneva and will focus on the promotion and full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities in the context of the tenth anniversary of the adoption of the Convention on the Rights of Persons with Disabilities,

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[13] A/HRC/31/62.
[14] A/69/284.

1. *Welcomes* the fact that, to date, 160 States have signed and 161 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that 92 States have signed and 88 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on the rights of persons with disabilities under article 11 of the Convention, on situations of risk and humanitarian emergencies, prepared by the Office of the United Nations High Commissioner for Human Rights,[15] and calls upon States and all relevant stakeholders to consider its findings and recommendations with a view to implementing these recommendations as appropriate;

4. *Calls upon* States that are not yet party to the Convention, in accordance with their obligations under international law, including international humanitarian law and human rights law, to take all measures necessary to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

5. *Calls upon* States and all relevant stakeholders to take effective and appropriate steps to facilitate the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, having regard for the measures contemplated by the Convention, and urges States and all relevant stakeholders, in furtherance of this objective, to, inter alia:

(*a*) Promote active participation of and meaningful consultation with persons with disabilities and their representative organizations, including women, men, boys and girls with disabilities of all ages, at all levels in a manner consistent with article 4 (3) of the Convention;

(*b*) Take into account persons with disabilities in their planning, response and recovery actions in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, to identify and eliminate obstacles and barriers to ensuring their safety;

(*c*) Ensure the effective management and dissemination of accessible information at all stages of response;

(*d*) Mobilize adequate, timely and predictable resources to operationalize their commitment to emergency preparedness and response that are inclusive of and accessible to persons with disabilities, following a human rights-based approach to programming;

(*e*) Build the capacity of stakeholders, both military and civilian, and peacekeeping personnel operating in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, regarding the rights of persons with disabilities;

(*f*) Ensure accessibility, including through universal design in programming, and in all post-emergency reconstruction and rebuilding, particularly during planning and reconstruction of infrastructure and public facilities;

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[15] A/HRC/31/30.

(*g*) Promote the inclusion of persons with disabilities in existing United Nations frameworks that address situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

(*h*) Consider developing internationally agreed standards and guidelines on the inclusion of persons with disabilities in humanitarian action;

(*i*) Ensure the meaningful participation of persons with disabilities in processes of monitoring and evaluation of humanitarian assistance, and ensure that they have adequate access to feedback mechanisms during situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

(*j*) Strengthen the collection, management, disaggregation and analysis of information on persons with disabilities in order to foster inclusion and to address discrimination on the basis of disability, including multiple and intersectional forms of discrimination;

(*k*) Encourage national statistical institutions and other participants in the negotiations held by the United Nations Office for Disaster Risk Reduction on disaster risk reduction indicators and terminology to consider adopting indicators disaggregated by disability status, where relevant, and to ensure that terminology is inclusive of persons with disabilities;

(*l*) Raise awareness of the importance of ensuring the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

6. *Encourages* States to take a human rights-based approach, with due regard for article 11 of the Convention on the Rights of Persons with Disabilities, to the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

7. *Urges* all parties to armed conflicts to comply with their obligations under international humanitarian law, including their obligations under the Geneva Conventions of 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977, that may relate to the respect and protection of persons with disabilities, and to pay attention to the specific needs of persons with disabilities during armed conflicts;

8. *Urges* States to take all appropriate measures to eliminate discrimination against women and girls with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, to promote gender equality and women's empowerment, to address violence against women and girls with disabilities in order to ensure the equal enjoyment of their rights, and to facilitate their role as leaders and active involvement and meaningful participation in decision-making;

9. *Recognizes* the importance of international cooperation and its promotion in support of national efforts to promote the rights of persons with disabilities, including with respect to ensuring the protection and safety of persons with disabilities in situations of risk and humanitarian emergencies;

10. *Encourages* States to engage in international cooperation efforts, where required, aimed at enhancing their national capacities to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and invites the Office of the High Commissioner and relevant United Nations agencies to consider ways to foster international cooperation activities in this regard;

11. *Encourages* the mobilization of public and private resources on a sustainable basis to mainstream the rights of persons with disabilities in development and underlines the need to promote and strengthen international cooperation at all levels, including with regard to capacity-building, by facilitating access to and sharing of accessible and assistive

technology and through the transfer of technologies, as appropriate, the exchange of good practices and partnerships for development that are inclusive of persons with disabilities;

12. *Calls upon* States and all relevant stakeholders to ensure that all international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities and does not contribute to creating new barriers for them or reinforce existing inequalities;

13. *Emphasizes* the importance of mainstreaming the rights of persons with disabilities as an integral part of relevant sustainable development strategies, and encourages States to apply a human rights-based approach and to intensify efforts to advance the rights of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development, consistent with their international obligations, including by engaging in close consultations with and actively involving persons with disabilities in the reporting processes leading up to the high-level political forum;

14. *Urges* States to continue to support the inclusion of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development by, inter alia, supporting the disaggregation of data by disability for specific indicators, where relevant, to assist States in measuring the achievement of the 17 Sustainable Development Goals and 169 associated targets and programming policies related to the Goals;

15. *Encourages* States to take into account the Convention on the Rights of Persons with Disabilities during the ongoing preparations for and their participation in the World Humanitarian Summit, to be held in Istanbul, Turkey, on 23 and 24 May 2016;

16. *Decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its thirty-fourth session, and that the debate will focus on article 5 of the Convention on the Rights of Persons with Disabilities regarding equality and non-discrimination, and will have international sign interpretation and captioning;

17. *Also decides* that an interactive debate on the rights of persons with disabilities will be held at its thirty-seventh session, and that the debate will focus on article 13 of the Convention on the Rights of Persons with Disabilities regarding access to justice, and will have international sign interpretation and captioning;

18. *Requests* the Office of the High Commissioner to prepare its next annual study on the rights of persons with disabilities with a focus on article 5 of the Convention, and to prepare its subsequent study with a focus on article 13 of the Convention, in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, and the study and an easy-to-read-version of it, be made available on the website of the Office, in an accessible format, prior to the thirty-fourth and thirty-seventh sessions of the Human Rights Council;

19. *Encourages* the task force of the Human Rights Council on secretariat services and accessibility for persons with disabilities to report orally to the Council on its work;

20. *Urges* States to consider further integrating and mainstreaming the perspective and rights of persons with disabilities into the work of the Human Rights Council;

21. *Encourages* representative organizations of persons with disabilities, civil society, national monitoring bodies and human rights institutions to participate actively in the debates referred to in paragraphs 16 and 17 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

22. *Requests* the Secretary-General, the High Commissioner and United Nations entities to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities;

23. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Commitee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

24. *Decides* to remain seized of the matter.

62nd meeting
23 March 2016

[Adopted without a vote.]

31/7. Rights of the child: information and communications technologies and child sexual exploitation

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, bearing in mind the importance of the Optional Protocols to the Convention, and calling for their universal ratification and effective implementation, and that of other relevant human rights instruments,

Recalling all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolution 28/19 of 27 March 2015 and Assembly resolution 70/137 of 17 December 2015,

Welcoming the work of the Committee on the Rights of the Child on the issue of information and communications technologies and child sexual exploitation, including in the context of its general comments, in particular general comments No. 13 (2011) on the right of the child to freedom from all forms of violence and No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights,

Welcoming also the work of the Special Rapporteur on the sale of children, child prostitution and child pornography and of the Special Representative of the Secretary-General on Violence against Children on opportunities and risks associated with the use of information and communications technologies and children's protection from sexual abuse and exploitation,[16] and the work of the Special Representative of the Secretary-General on Children and Armed Conflict, and taking note with appreciation of their recent reports,[17]

Welcoming further the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[18] underscoring the importance of its implementation in ensuring the enjoyment of the rights of the child, and recalling that it includes target 5.2, on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and target 16.2, on ending abuse, exploitation, trafficking and all forms of violence against and torture of children,

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[16] A/HRC/28/56 and A/HRC/28/55.

[17] A/HRC/31/19, A/HRC/31/20 and A/HRC/31/58.

[18] General Assembly resolution 70/1.

Recognizing the importance of information and communications technologies in children's lives as a new tool for learning, socialization, expression, inclusion and fulfilment of the rights of the child and fundamental freedoms, such as the right to education, the right to freedom of expression, the freedom to seek, receive and impart information, and the right to express his or her views freely,

Reaffirming the responsibilities, rights and duties of parents, legal guardians or other persons legally responsible for the child to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of his or her rights,

Recognizing that children are among the most active participants online, and that parents, guardians and educators who have responsibility for children's activities may need guidance on protecting children online,

Reaffirming that States shall undertake to protect the child from all forms of exploitation and sexual abuse and, for that purpose, in particular, take all appropriate national, bilateral and multilateral measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials,

Recognizing that information and communications technologies can facilitate the commission of criminal activities with impunity regarding the sale, sexual abuse and exploitation of children, including in pornography, child sexual abuse material and prostitution; new threats or forms of sexual abuse and exploitation, such as the solicitation of children for sexual purposes known as "child grooming", sexual extortion and live streaming of child abuse; the possession, distribution, access to, exchange, production of or payment for child sexual abuse material; and the viewing, conducting or facilitation of children's participation in live sexual abuses, among others,

Deeply concerned by risks such as sexting and self-generated content, by new and evolving forms of violence against children, particularly child sexual abuse and exploitation, and by cyberbullying, which are related to the use of information and communications technologies,

Acknowledging the role that information and communications technologies play in reducing the risk of sexual abuse and exploitation, including by empowering children to report such abuses,

Recognizing that States should promote access to digital media and information and communications technologies while protecting children from harm,

Emphasizing that States have the primary responsibility to respect, protect and fulfil the rights of the child, including through the prevention of violations and the protection and provision of effective remedies to victims, and to address all forms of violence and abuse against children, including sexual abuse and exploitation, at all times and in all settings,

Underlining that child sexual abuse and exploitation through information and communications technologies, including online, involving the production, sale, dissemination or possession of child sexual abuse and exploitation material, including child pornography, constitutes a serious abuse or violation of the child's physical and psychological integrity and human dignity and an unlawful use of the child victim's personal data and that it can have a negative impact on the enjoyment of the right of the child to the protection of the law against arbitrary or unlawful interference with his or her privacy,

Reaffirming that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, while the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection, and that families' and caregivers' capacities to provide the child with care and a safe environment should be promoted,

Recognizing that perpetrators of child sexual abuse and exploitation online are sometimes the direct caregivers of the child, and that family members, communities and neighbours might be involved in the offering of children for the purpose of sexual abuse and exploitation through information and communications technologies,

Recalling in this regard that States should take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, sexual abuse and exploitation while in the care of their parents, legal guardians or any other person who cares for the child,

Recognizing that the responsibility to respect the rights of the child also applies to private actors and business enterprises and, in particular, that private actors in the Internet industry who provide or operate services across domestic jurisdictions should continue to take part in joint international efforts to raise awareness and empower children about online risks and to prevent and counter child sexual abuse and exploitation online and offline,

Acknowledging efforts made by private actors, in the framework of corporate social responsibility, to ensure that their infrastructure and services are not used for criminal purposes and to cooperate fully in efforts related to the detection, reporting, investigation, prosecution and prevention of child sexual abuse and exploitation online and offline,

Recognizing the importance of prevention in ensuring a safe online and information and communications technologies environment for children while protecting the child's rights to the protection of the law against arbitrary or unlawful interference with his or her privacy, to seek, receive or impart information, to education, to freedom of expression and to participation, and recognizing also that prevention measures and approaches should involve key actors, including Governments, civil society, industry, parents, schools, children and the whole community,

Expressing concern in relation to the situations when private actors abstain from taking actions required under national and international law to provide adequate safeguards aimed at preventing child sexual abuse and exploitation, and stressing in this regard the utmost importance of bringing to justice all those involved in or facilitating child sexual exploitation and abuse online,

Recognizing the multi-jurisdictional and transnational nature of child sexual exploitation and abuse online and through information and communications technologies, the fragility of the electronic evidence of such crimes and the continual adaptation of technology by perpetrators to avoid detection and investigation, which pose various difficulties for traditional mutual legal assistance and cooperation channels and require active international cooperation among different actors, including States and their law enforcement and judicial authorities and private actors, including with regard to detecting crimes, reporting them to competent authorities for investigation, safeguarding electronic evidence of crimes and handing it over to those authorities in a timely manner,

Welcoming the renewed momentum in the global fight against child sexual abuse and exploitation created by relevant international multi-stakeholder initiatives promoted in partnership with Governments, including law enforcement and judicial authorities, private actors and business enterprises and civil society, such as the Global Programme on Cybercrime of the United Nations Office on Drugs and Crime, the Child Online Protection Initiative of the International Telecommunication Union, the Global Alliance against Child Sexual Abuse Online, WeProtect and the Virtual Global Taskforce, and the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society, and encouraging greater coordination among those initiatives and the dissemination of information concerning their activities,

Acknowledging international, regional and local relevant initiatives taken and efforts made to prevent and address the threat of child sexual exploitation and abuse online and the drastic consequences associated with it on children's full enjoyment of human rights, and commending the role of the International Telecommunication Union and its working group on online child protection in combating the sexual abuse and exploitation of children online,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights entitled "Information and communications technology and child sexual exploitation";[10]

2. *Urges* States to take all steps necessary to ensure full, equal, inclusive and safe access, without discrimination of any kind, to information and communications technologies by all children and safeguard the protection of children online and offline through an integrated and multifaceted approach based on the rights and well-being of children;

3. *Condemns in the strongest possible terms* all forms of violence against children, including sexual and gender-based violence, including when perpetrated through or resulting from the criminal misuse of information and communications technologies made available on the Internet, and sexual exploitation of children online;

4. *Calls upon* States to ensure the legal protection of children from sexual abuse and exploitation online and to define legally, in accordance with international human rights law and obligations, and criminalize all relevant conduct related to the sexual exploitation of children online and offline, including but not limited to its newest forms, such as the solicitation of children for sexual purposes known as "child grooming", sexual extortion, and streaming of child abuse, and possession or distribution of, access to, or exchange or production of or payment for child sexual abuse material and the viewing, conducting or facilitation of children's participation in live sexual abuses transmitted through information and communications technologies, while ensuring that their legislation takes into account possible future developments in the modi operandi for online child sexual abuse and exploitation;

5. *Also calls upon* States to ensure that the whole chain of those involved or attempting to commit such criminal activities are held accountable and brought to justice in order to fight impunity, taking into account the multi-jurisdictional and transnational nature of child sexual exploitation and abuse online through information and communications technologies;

6. *Further calls upon* States to ensure that domestic legislation on data protection and privacy is in accordance with international human rights law and allows law enforcement, social welfare and judicial authorities to conduct effective and appropriate investigations and prosecutions to combat violations of the child victim's right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, in respect of child sexual exploitation online and offline, and to raise awareness of the importance of activities and compliance with the law by private actors, notably those in the Internet industry, to strengthen those efforts;

7. *Calls upon* States, through increased cooperation among relevant State agencies, to remove obstacles to effective investigations of and prosecutions for child

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[10] A/HRC/31/34 and Corr.1.

sexual abuse and exploitation online and offline by facilitating access by the competent law enforcement and judicial authorities to evidence of crimes committed across borders, including witness testimony and electronic information stored by Internet service providers and online platforms, and stresses that private actors should comply with the law enforcement measures taken in that respect;

8. *Also calls upon* States to ensure a clear and predictable legal and regulatory environment, which requires information and communications technology and other relevant industries to respect the rights of the child and which strengthens regulatory agencies' responsibility for the development of standards for the protection of the rights of the child;

9. *Further calls upon* States to establish fast and effective procedures for the removal or blocking of child sexual abuse or pornographic materials involving children, including by adopting legislation and promoting self-regulatory frameworks for businesses, in accordance with national and international human rights laws and obligations, to aid the detection of crimes online, to report evidence thereof and to prevent the dissemination of child abuse material involving children, "child grooming" and other forms of child sexual abuse and exploitation online;

10. *Urges* States to strengthen international and regional cooperation among their law enforcement services, including through, inter alia, appropriate mutual legal assistance frameworks in criminal matters, and with the International Criminal Police Organization, and to ensure effective implementation of relevant international standards and the enforcement of the applicable legal framework on issues related to child sexual abuse and exploitation online and offline;

11. *Calls upon* States to promote international financial and technical cooperation in this area, to exchange best practices, investigation procedures, training and capacity-building in order to prevent, eradicate and mitigate child sexual abuse and exploitation online, and to promote the physical and psychological recovery and social reintegration of victims;

12. *Urges* States to establish well-trained and well-resourced dedicated law enforcement investigative units in charge of investigating, pursuing and combating sexual and gender-based violence against children committed using information and communications technologies and child sexual exploitation online, or to strengthen such units if they already exist, and to provide them with adequate financial support and capacity-building and specialist training opportunities;

13. *Calls upon* States to develop a comprehensive, safe, inclusive and empowering approach to children's online protection that is in line with the Convention on the Rights of the Child, ensuring that the principles enshrined in the Convention, including non-discrimination, the best interests of the child, survival and development and children's right to express their views in matters affecting them, are meaningfully implemented;

14. *Urges* States to provide for effective remedies, recovery and reintegration, including through integrated child- and gender-sensitive and child-friendly complaints and reporting mechanisms, services and programmes for child victims of sexual abuse and exploitation, to mitigate the harm caused to them, and to prevent secondary victimization while ensuring the right of the child to be heard, including in any administrative or judicial proceeding affecting him or her, in a manner consistent with the procedural rules of national law;

15. *Encourages* States to develop and strengthen the collection, analysis and dissemination of data, as appropriate, on online and offline sexual abuse and exploitation, disaggregated by, inter alia, age, sex, family income and other relevant factors, as an integral part of States' efforts to prevent and respond to this abuse;

16. *Calls upon* States to adopt and enable all necessary administrative and legal measures to guarantee the rights to privacy, provide protection, safety and adequate information for all children involved in ongoing criminal investigations and/or judicial proceedings before, during and after such investigations and proceedings;

17. *Also calls upon* States to adopt and implement sustained and inclusive child-empowering non-formal and formal education programmes, providing children, parents, caregivers, teachers and other professionals working with children with basic skills relating to media and information literacy, notably information and training on the online environment, its safe use, benefits and risks, in order to increase their awareness and capacity to adopt online coping strategies, and to support children's resilience, including by involving children, former victims, relevant non-governmental organizations and relevant industries;

18. *Further calls upon* States to develop initiatives and programmes using information and communications technologies, including mobile telephone and social media, to inform children of their rights, the risks of sexual abuse and exploitation and coping strategies, including by implementing timely alert mechanisms, while taking into account the challenges faced by children with disabilities in that regard;

19. *Urges* States to establish widely available, easily accessible, child- and gender-sensitive and confidential counselling, reporting and complaints mechanisms for children, such as child helplines, to report inappropriate interactions and violence encountered online and to protect children;

20. *Encourages* the participation of children in the development and implementation of policies, programmes and other initiatives aimed at promoting the rights of the child, in particular those preventing and combating child sexual abuse and exploitation online and offline;

21. *Encourages* States to build and strengthen multi-stakeholder platforms with the participation of Governments, civil society and representatives of industry, in particular with the information and communications technology sector, the tourism and travel industry and the banking and finance sectors, with a view to promoting private partners' participation in the elaboration and implementation of policies to empower and inform children, prevent child sexual abuse and exploitation online and offline, which would include preventive safety and quality alert measures;

22. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolutions 7/29 of 28 March 2008 and 19/37 of 23 March 2012, and to focus its next annual day of discussion on the theme "Protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development";

23. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on that theme, in close cooperation with all relevant stakeholders, including States, the United Nations Children's Fund, other relevant United Nations bodies and agencies, relevant special procedure mandate holders, regional organizations and human rights bodies, national human rights institutions and civil society, including children themselves, and to present it to the Human Rights Council at its thirty-fourth session with a view to providing information for the annual day of discussion on the rights of the child.

62nd meeting
23 March 2016

[Adopted without a vote.]

31/8. Human rights and the environment

The Human Rights Council,

Reaffirming all its resolutions on human rights and the environment, the latest of which is resolution 28/11 of 26 March 2015, and relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner, and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business, and aiming to contribute to the full implementation of that Agenda by 2030, and to the high-level political forum on sustainable development as the central United Nations platform for follow-up and review thereof,

Recalling also the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, and its outcome document "The future we want", which reaffirmed the principles of the Rio Declaration on Environment and Development, including principle 7,

Recognizing that human beings are at the centre of concerns for sustainable development, that the right to development must be fulfilled in order to meet the development and environmental needs of present and future generations equitably, and that the human person is the central subject of development and should be an active participant in and the beneficiary of the right to development,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Welcoming the adoption of the Paris Agreement under the United Nations Framework Convention on Climate Change, in which parties acknowledge in the preamble that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

Recognizing that sustainable development and the protection of the environment contribute to human well-being and to the enjoyment of human rights,

Recognizing also, conversely, that climate change, the unsustainable management and use of natural resources and the unsound management of chemicals and waste may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Recognizing further that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population which are already in vulnerable situations,

1. *Welcomes* the work undertaken to date by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and takes note of his most recent reports on possible methods of

implementing human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment[30] and on human rights obligations relating to climate change;[31]

2. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment;

3. *Further welcomes* the work undertaken by the United Nations Environment Programme in support of the mandate of the Special Rapporteur and in helping to clarify the relationship between human rights and the environment;

4. *Calls upon* States:

(*a*) To respect, protect and fulfil human rights, including in actions relating to environmental challenges;

(*b*) To adopt and implement laws ensuring, among other things, the rights to information, participation and access to justice in the field of the environment;

(*c*) To facilitate public awareness and participation in environmental decision-making, including of civil society, women, youth and indigenous peoples, by protecting all human rights, including the rights to freedom of expression and to freedom of peaceful assembly and association;

(*d*) To implement fully their obligations to respect and ensure human rights without distinction of any kind, including in the application of environmental laws and policies;

(*e*) To promote a safe and enabling environment in which individuals, groups and organs of society, including those working on human rights and environmental issues, can operate free from threats, hindrance and insecurity;

(*f*) To provide for effective remedies for human rights violations and abuses, including those relating to the enjoyment of a safe, clean, healthy and sustainable environment, in accordance with their international obligations and commitments;

(*g*) To take into account human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the implementation and monitoring of the Sustainable Development Goals, bearing in mind the integrated and multisectoral nature of the latter;

5. *Encourages* States:

(*a*) To adopt an effective normative framework for the enjoyment of a safe, clean, healthy and sustainable environment;

(*b*) To address compliance with human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the framework of human rights mechanisms, including the universal periodic review;

(*c*) To facilitate the exchange of knowledge and experiences between experts in the environmental and human rights fields, and to promote coherence among different policy areas;

(*d*) To build capacities for taking human rights obligations and commitments into account in their efforts to protect the environment;

(*e*) To explore ways to incorporate information on human rights and the environment, including climate change, in school curricula, in order to teach the next generations to act as agents of change, including by taking into account indigenous knowledge;

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[30] A/HRC/31/53.

[31] A/HRC/31/52.

(*f*) To seek to ensure that projects supported by environmental finance mechanisms respect all human rights;

(*g*) To collect disaggregated data on the effects of environmental harm on vulnerable groups, as appropriate;

(*h*) To promote environmental action, including climate action, that is gender-responsive and takes into consideration the vulnerability of ecosystems and the needs of persons and communities in vulnerable situations;

(*i*) To continue to share good practices in fulfilling human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment through the good practices database maintained by the Special Rapporteur;

(*j*) To build capacity for the judicial sector to understand the relationship between human rights and the environment;

(*k*) To foster a responsible private business sector and to encourage corporate sustainability reporting while protecting environmental standards in accordance with relevant international standards and agreements and other ongoing initiatives in this regard;

(*l*) To consider further, among other aspects, respect for human rights within the framework of United Nations Framework Convention on Climate Change;

6. *Looks forward* to the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, to be organized by Morocco, in Marrakesh, from 7 to 18 November 2016;

7. *Recognizes* the important role played by individuals, groups and organs of society, including human rights defenders, in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment;

8. *Also recognizes* the important role of national human rights institutions in support of human rights relating to the enjoyment of a safe, clean, healthy and sustainable environment;

9. *Stresses* the need for enhanced cooperation among States, the United Nations Development Programme, the United Nations Environment Programme, the Office of the United Nations High Commissioner for Human Rights and other relevant international and regional organizations, agencies and programmes, in accordance with their respective mandates, including by regularly exchanging knowledge and ideas and building synergies in the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach;

10. *Decides* to remain seized of the matter, in accordance with its annual programme of work.

62nd meeting
23 March 2016

[Adopted without a vote.]

31/9. Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context

The Human Rights Council,

Reaffirming that international human rights law instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, entail obligations and commitments of States parties, including all levels of government, in relation to access to adequate housing,

Recalling all previous resolutions of the Human Rights Council and those adopted by the Commission on Human Rights on the issue of the right to adequate housing as a component of the right to an adequate standard of living, including Council resolution 25/17 of 28 March 2014,

Recalling also all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own and inherit property and to adequate housing, including resolution 2005/25 of 15 April 2005 on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing, and resolution 1997/44 of 11 April 1997, and the report on economic and social policy and its impact on violence against women submitted by the Special Rapporteur on violence against women, its causes and consequences pursuant to that resolution,[22]

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and at their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda,[23] and the Declaration on Cities and Other Human Settlements in the New Millennium, adopted at the twenty-fifth special session of the Assembly and annexed to its resolution S-25/2 of 9 June 2001,

Recalling that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living by all appropriate means, including the adoption of legislative measures,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[24] in which the Assembly acknowledged, inter alia, the importance of making cities and human settlements inclusive, safe, resilient and sustainable,

Welcoming also the decision by the General Assembly, in its resolution 66/207 of 22 December 2011, to convene a United Nations Conference on Housing and Sustainable Urban Development (Habitat III), to be held in Quito in October 2016, to reinvigorate the global commitment to and support for housing and sustainable urban development and the implementation of the New Urban Agenda,

Emphasizing that the adverse effects of climate change have a range of implications, both direct and indirect, for the effective enjoyment of human rights, inter alia, the right to adequate housing as a component of the right to an adequate standard of living, and welcoming the adoption of the Paris Agreement under the United Nations Framework Convention on Climate Change,

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[22] E/CN.4/2000/68/Add.5.

[23] A/CONF.165/14.

[24] General Assembly resolution 70/1.

Expressing deep concern at the number and scale of natural disasters, and in this regard welcoming the adoption of the Sendai Framework for Disaster Risk Reduction 2015-2030,[25]

Noting with interest the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing as a component of the right to an adequate standard of living, including all its relevant general comments and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications,

Recalling the Global Housing Strategy of the United Nations Human Settlements Programme, the principles on housing and property restitution for refugees and displaced persons,[26] the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, and the guiding principles on security of tenure for the urban poor, as laid out in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context,[27]

Concerned that the right to adequate housing is not realized for many throughout the world, and that millions continue to live in substandard housing and millions more are homeless or at immediate risk of homelessness, and recognizing that this situation should be addressed by urgent and immediate measures by States and the international community, in accordance with existing international human rights standards,

Deeply concerned that homelessness disproportionately affects women and persons with disabilities, and other persons who are marginalized and most vulnerable, each in different ways but with common structural causes, and that homelessness and tenure insecurity per se might result in discrimination, criminalization and further exclusion, particularly social and economic exclusion,

Reaffirming that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recognizing that homelessness is caused by the interplay of individual circumstances and broader systemic factors, and that fulfilling the right to adequate housing as a component of the right to an adequate standard of living requires developing and implementing long-term and human rights-based multisectoral policies and strategies that are gender-responsive and simultaneously address discrimination, marginalization, social exclusion and housing deprivation,

Recognizing also that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

Recognizing further the need to promote, protect and strengthen a variety of tenure forms, in particular by mainstreaming human rights into national urbanization policies and rural development and planning, including in housing and slum upgrading, land management and land administration policies, and to ensure social integration, with the full participation of all relevant stakeholders,

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[25] General Assembly resolution 69/283, annexes I and II.

[26] E/CN.4/Sub.2/2005/17, annex.

[27] A/HRC/25/54.

1. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions;

2. *Acknowledges with appreciation* in particular the report on homelessness of the Special Rapporteur;[28]

3. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including target 11.1, which outlines the objective of ensuring access for all to adequate, safe and affordable housing and basic services and upgrading slums, and in this context urges States to adopt, in consultation with relevant stakeholders, inclusive and cross-sectoral strategies that respect, protect and fulfil the human rights of all, and to ensure that these strategies outline clear responsibilities at all levels of government, contain measurable goals, targets and timelines, and include appropriate mechanisms for monitoring and review, with particular emphasis on the needs of persons who are marginalized and most vulnerable;

4. *Also calls upon* States to give due consideration to integrating the human right to adequate housing as a component of the right to an adequate standard of living in the negotiation process and the implementation of the outcome document of the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) and the New Urban Agenda;

5. *Further calls upon* States to take all measures necessary to eliminate legislation that criminalizes homelessness and to ensure an effective remedy and the right to access to justice for all for violations in the context of the realization of the right to adequate housing as a component of the right to an adequate standard of living, including measures necessary to ensure that women and persons at risk have equal access to justice;

6. *Calls upon* States to take positive measures with a view to prevent and eliminate homelessness by adopting and implementing cross-sectoral strategies that are gender-responsive and based on international human rights law;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all assistance necessary to the Special Rapporteur for the effective fulfilment of his or her mandate;

8. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(*a*) To continue to cooperate with the Special Rapporteur in the discharge of his or her mandate and to respond favourably to his or her requests for information and visits;

(*b*) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations;

9. *Decides* to continue its consideration of this matter under the same agenda item.

62nd meeting
23 March 2016

[Adopted without a vote.]

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[28] A/HRC/31/54.

31/10. The right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also the seventh special session of the Human Rights Council, at which the Council analysed the negative impact of the worsening world food crisis on the realization of the right to food for all, and Council resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition, the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015, and the 2030 Agenda for Sustainable Development,[28] in particular the Sustainable Development Goals on ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture and on ending poverty in all its forms everywhere,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the right of everyone to adequate food, including the fundamental right of every person to be free from hunger, is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action, adopted at the World Food Summit in November 1996, the Declaration of the World Food Summit: five years later, adopted on 13 June 2002, and the Declaration of the World Summit on Food Security, adopted on 16 November 2009,

Reaffirming the importance of the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, and the Rome Declaration on Nutrition and its Framework for Action, adopted in Rome on 21 November 2014,

Acknowledging that the right to food is the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and culturally acceptable food that is produced and consumed sustainably, preserving access to food for future generations,

Reaffirming the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further that a peaceful, stable and enabling political, social and economic environment at both the national and international levels is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, and the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food and nutrition security,

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[28] General Assembly resolution 70/1.

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Reaffirming that food security is a national responsibility, and that any plan for addressing food security challenges must be nationally articulated, designed, owned and led, and built on consultation with all key stakeholders, and recognizing the commitment to strengthening the multilateral system in the channelling of resources and in the promotion of policies dedicated to fighting hunger and malnutrition,

Recognizing that, despite the efforts made, the problems of hunger, food insecurity and malnutrition have a global dimension and that there has not been sufficient progress in reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken,

Recognizing also the complex character of the global food crisis, in which the right to food is threatened to be violated on a substantial scale, as a combination of several major factors, such as the global financial and economic crisis, environmental degradation, desertification and the impact of global climate change, as well as natural disasters and the lack of development in many countries and transfer of relevant technology to address this issue, particularly in developing countries, least developed countries and small island and vulnerable developing States, that are having a negative impact on the realization of the right to food, in particular in the said countries,

Recognizing further that the elimination of the current distortions in the agricultural trading system will allow local producers and poor farmers to compete and to sell their products, thereby facilitating the realization of the right to adequate food, while noting the commitment to continuing the agricultural trade discussions as mandated by the World Trade Organization,

Resolved to act to ensure that the full realization of all human rights, including the right to development, is taken into account at the national, regional and international levels in addressing the global food crisis,

Recognizing the importance and positive role of smallholder and subsistence farmers, including women farmers, young farmers, family farmers and farmers in less favoured areas, cooperatives and indigenous and local communities in developing countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Recognizing the need to prioritize food security and end hunger, and the particular vulnerabilities of food systems to the adverse impact of climate change, and, given this situation, that small and medium-sized farmers in developing countries need to receive technical, technology transfer and capacity-building support,

Stressing the need to increase official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance, *Recognizing* the need to increase sustainable private and public investments in agriculture from all relevant sources for the realization of the right to food,

Recalling the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security by the Committee on World Food Security at its thirty-eighth session, held on 11 May 2012, and by the Council of the Food and Agriculture Organization of the United Nations at its 144th session,

Recalling also the Principles for Responsible Investment in Agriculture and Food Systems, which were endorsed by the Committee on World Food Security at its forty-first session, held in October 2014, and transmitted to the governing bodies of the Food and Agriculture Organization of the United Nations for consideration,

Recalling further the reaffirmation by the Committee on Food Security at its forty-first session of the commitment to implement the Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security and to strive for the realization of the right to adequate food for all in the years to come,

Stressing the importance of the second International Conference on Nutrition, hosted by the World Health Organization and the Food and Agriculture Organization of the United Nations in Rome from 19 to 21 November 2014, at which the two main outcome documents, namely, the Rome Declaration on Nutrition and the Framework for Action, were endorsed,

Recognizing the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all,

Recognizing also the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", endorsed by the General Assembly in its resolution 66/288 on 27 July 2012, and reaffirming the principles contained therein,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity, and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 die from hunger-related illness and that, as estimated by the Food and Agriculture Organization of the United Nations, about 795 million people in the world remain undernourished owing to the lack of sufficient food for conducting an active and healthy life, including as one of the effects derived from the global food crisis, while, according to the Food and Agriculture Organization, the planet could produce enough food to feed everyone around the world;

4. *Expresses its deep concern* that, according to the report of the Food and Agriculture Organization of the United Nations entitled *The State of Food Insecurity in the World 2015*, the number of hungry people in the world remains unacceptably high and the vast majority of hungry people live in developing countries;

5. *Expresses its concern* at the fact that the effects of the world food crisis continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the world financial and economic crisis, and at the particular effects of this crisis on many net food-importing developing countries, especially least developed countries;

6. *Expresses its great concern* that, while women contribute more than 50 per cent of the food produced worldwide, they also account for 70 per cent of the world's hungry, that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

7. *Recognizes* that reinforcing the rights of girls and women, especially those who are poor and vulnerable, to education and social protection and that increasing women's participation in decision-making and access to resources in an objective manner are critical for enhancing women's vital role in advancing agricultural development and food security, and recognizes also in that regard that the promotion of agro-industry through the dissemination of knowledge, the development and transfer of technology, capacity-building and financial support is a precondition for the involvement of women in advancing agriculture in developing countries;

8. *Encourages* all States to mainstream a gender perspective in food security programmes and to take action to address de jure and de facto gender inequality and discrimination against women, in particular where such inequality and discrimination contribute to the malnutrition of women and girls, including by taking measures to ensure the full and equal realization of the right to food and ensuring that women and girls have equal access to social protection and resources, including income, land and water, and their ownership, and full and equal access to health care, education, science and technology, to enable them to feed themselves and their families, and in this regard stresses the need to empower women and to strengthen their role in decision-making;

9. *Recognizes* the importance of smallholder and subsistence farmers in developing countries, including women and local and indigenous communities, in ensuring food security, reducing poverty and preserving ecosystems, and the need to assist their development;

10. *Encourages* the Special Rapporteur on the right to food to continue to mainstream a gender perspective in the fulfilment of her mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective in their relevant policies, programmes and activities regarding access to food;

11. *Reaffirms* the need to ensure that programmes delivering safe, sufficient, nutritious and culturally accepted food are inclusive and accessible to persons with disabilities;

12. *Encourages* States to take steps with a view to progressively achieving the full realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms and to adopt national plans to combat hunger;

13. *Underlines* the significance of national government policies and strategies in food production, poverty alleviation and social protection, and the importance of the national efforts made to ensure that women have equal access to State-sponsored benefits, facilities and services;

14. *Recognizes* the advances made through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food, and encourages States to increase such cooperation as a complement to North-South cooperation and to promote triangular cooperation further;

15. *Also recognizes* the importance of traditional sustainable agricultural practices, inter alia, traditional seed supply systems, including for many indigenous peoples and local communities;

16. *Stresses* that the primary responsibility of States is to promote and protect the right to food, and that the international community should provide, through a coordinated response and upon request, international cooperation in support of national and regional efforts by providing the assistance necessary to increase food production and access to food, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid, ensuring food security, with special attention to the specific needs of women and girls, support for the development of adapted technologies, research on rural advisory services and support for access to financing services, and to ensure support for the establishment of secure land tenure systems;

17. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1 and article 11, paragraph 2, in particular with regard to the right to adequate food;

18. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all the measures necessary to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

19. *Stresses* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, through, inter alia, the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts, and in programmes, practices and policies to scale up agroecological approaches;

20. *Recognizes* that 70 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises, including through the facilitation of access of their products to national and international markets and empowerment of small producers, particularly women, in value chains, is a key element for food security and the right to food;

21. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;

22. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concern over the obstacles and

challenges to the full enjoyment of the right to food that indigenous peoples face, and calls upon States to take special actions to combat the root causes of the often disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

23. *Welcomes* the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[illegible] held on 22 and 23 September 2014, and the commitment to developing, in conjunction with the indigenous peoples concerned and where appropriate, policies, programmes and resources to support indigenous peoples' occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition;

24. *Requests* all States, private actors, international organizations and agencies, within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in ongoing negotiations in different fields;

25. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food security;

26. *Recognizes* the need to strengthen national commitments and international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

27. *Notes with appreciation* the growing movement, in different regions of the world, towards the adoption of framework laws, national strategies and measures in support of the full realization of the right to food for all;

28. *Recognizes* the importance of giving due consideration to the adverse impact of climate change on the full realization of the right to food;

29. *Also recognizes* the impact of the current cycle of El Niño in agricultural production and food security around the world and the importance of designing and implementing actions to reduce its effects, particularly on vulnerable populations such as rural women, bearing in mind the role they play in supporting their households and communities in achieving food and nutrition security, generating income and improving rural livelihoods and overall well-being;

30. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

31. *Encourages* States to consider developing their legal structures in order to protect resources directly related to the right to food, such as water resources, access to land and seed production;

32. *Calls for* a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions permitting the full realization of the right to food;

33. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

[illegible] General Assembly resolution 69/2.

34. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

35. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

36. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and once again invites all international financial and development institutions, and the relevant United Nations agencies and funds, to give priority to and provide the funding necessary to realize the right to food, as set out in the Rome Declaration on World Food Security, and to achieve the aims of Sustainable Development Goal 2 and other food and nutrition-related targets;

37. *Reaffirms* that integrating food and nutritional support with the goal of ensuring that all people at all times have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other diseases;

38. *Calls upon* all States and, where appropriate, relevant international organizations:

(*a*) To combat the different forms of malnutrition as a means to realize the right to adequate food, including, if appropriate, by adopting a national strategy in this regard;

(*b*) To take measures and support programmes that are aimed at combating the irreversible effects of chronic undernutrition in early childhood, in particular by targeting the first thousand days of a child's life;

(*c*) To support the national plans and programmes of States to improve nutrition in poor households, in particular plans and programmes that are aimed at combating undernutrition in mothers and children, and those targeting the irreversible effects of chronic undernutrition in early childhood, from gestation to the age of 2 years;

(*d*) To implement policies and programmes to reduce and eliminate preventable mortality and morbidity, as a result of malnutrition, of children under 5 years of age;

39. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

40. *Stresses* the importance of international cooperation and development assistance as an effective contribution to both the expansion and improvement of agriculture and its environmental sustainability, and the provision of humanitarian food assistance in activities relating to emergency situations for the realization of the right to food and the achievement of sustainable food security, while recognizing that each State has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

41. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on its realization;

42. *Calls upon* the private sector, including transnational corporations, to support investment and innovation, recognizing women's economic empowerment, to help, inter alia, increase the participation of small-scale farmers in markets and agriculture food chains;

43. *Encourages* the Special Rapporteur to continue her collaboration with relevant international organizations and United Nations agencies, programmes and funds, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

44. *Reaffirms* that all States should take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of the right to food by all appropriate means, including particularly the adoption of legislative measures;

45. *Encourages* all States to consider developing awareness-raising campaigns to ensure that rights holders have access to information on the right to food and on any obligation pertaining thereto;

46. *Underlines* the importance of effective remedies for violations of the right to food;

47. *Takes note with appreciation* of the report of the Special Rapporteur;

48. *Supports* the fulfilment of the mandate of the Special Rapporteur, as established by the Human Rights Council in its resolution 6/2 of 27 September 2007;

49. *Requests* the Special Rapporteur, as part of the mandate, to continue to monitor the evolution of the world food crisis and, in the context of the mandate and regular reports, to keep the Human Rights Council informed of the impact of the crisis on the enjoyment of the right to food and to alert it to possible further actions in this regard;

50. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

51. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in her task by supplying all necessary information requested by the mandate holder and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable her to fulfil her mandate more effectively;

52. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, and the private sector to cooperate fully with the Special Rapporteur in the fulfilment of her mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

53. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Human Rights Council at its thirty-fourth session;

A/HRC/31/51.

54. *Decides* to continue consideration of this matter under the same agenda item at its thirty-fourth session.

62nd meeting
23 March 2016

[Adopted without a vote.]

31/11. The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, the latest being Council resolution 28/8 of 26 March 2015,

Reaffirming also its resolutions 25/9 of 27 March 2014 and 28/5 of 26 March 2015,

Reaffirming further its resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance, *Recognizing* the sovereign right of any State to restructure its sovereign debt, which should not be frustrated or impeded by any measure emanating from another State,

Emphasizing that inequality often contributes to social exclusion and the marginalization of certain groups and individuals,

Recognizing that inequality may contribute to the occurrence of financial crises, which in turn exacerbate inequality and adversely affect human rights,

Acknowledging that financial and economic crises generally have enormous distributional consequences, and that such crises and the austerity measures adopted in response to them may also have, according to the circumstances, a robust negative social impact that, in turn, perpetuates or exacerbates inequality,

Acknowledging also that a world financial and economic crisis is still threatening debt sustainability in some developing countries through, inter alia, its impact on the real economy and the increase in borrowing undertaken in order to mitigate the negative impacts of the crisis and that the austerity measures adopted in response to that crisis have had a robust social impact that has perpetuated or exacerbated inequality,

Recognizing that illicit financial flows, including tax evasion by high-net-worth individuals, commercial tax evasion through trade misinvoicing and tax avoidance by transnational corporations, contribute to the build-up of unsustainable debt, as Governments lacking domestic revenue may resort to external borrowing,

Affirming that the debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights, in particular the right to development,

1. *Takes note with appreciation* of the reports of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights,[illegible] and welcomes the work and contributions of the Independent Expert;

2. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

3. *Recognizes* that structural adjustment reform programmes and policy conditionalities limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

4. *Reaffirms* the fact that responses to the global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;

5. *Urges* States, international organizations and financial institutions to implement urgently financial market reforms in order to combat and prevent financial instability, excessive debt and financial crises;

6. *Expresses its concern* that the level to which the overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative is still low, that the Initiative is not intended to offer a comprehensive solution to the long-term debt burden and that some of the countries that have received debt relief are again at high risk of debt distress;

[illegible] A/HRC/31/60 and A/HRC/31/61.

7. *Reiterates its conviction* that, for heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the above-mentioned initiative will not be sufficient and that additional resource transfers, in the form of grants and concessional loans and the removal of trade barriers and better prices for their exports, would be required to ensure sustainability and permanent exit from debt overhang;

8. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of low- and middle-income heavily indebted countries, and that, to date, little headway has been made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor in those countries, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts;

9. *Acknowledges* that, in least developed countries and in several low- and middle-income countries, unsustainable levels of external debt continue to create a considerable barrier to economic and social development;

10. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the 2030 Agenda for Sustainable Development,[19] and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

11. *Calls for* consistent public spending policies that ensure full compliance with the human rights obligations of States and for those policies to take into account the fact that the human rights of the poorest and most vulnerable must be respected, protected and fulfilled;

12. *Recalls once again* the call on industrialized countries to implement the enhanced programme of debt relief without further delay and to agree to cancel all the official bilateral debt of those countries in return for their making demonstrable commitments to poverty reduction;

13. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

14. *Recalls* the pledge contained in the Political Declaration annexed to General Assembly resolution S-24/2, adopted on 1 July 2000 by the Assembly, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

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[19] General Assembly resolution 70/1.

15. *Stresses* the need for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

16. *Also stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

17. *Further stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

18. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

19. *Calls upon* creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or poverty reduction strategy papers;

20. *Reaffirms* the fact that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

21. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS so that more financial resources may be released and used for health care, research and treatment of the population in the affected countries;

22. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

23. *Encourages* States to explore further avenues for reforming parts of their legal systems with a view to developing a more equitable taxation system;

24. *Also encourages* States to continue to consider improved approaches to restructuring sovereign debt, taking into account the Basic Principles on Sovereign Debt Restructuring Processes and the work carried out by international financial institutions, in accordance with their respective mandates;

25. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in

particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

26. *Requests* the Independent Expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

27. *Encourages* the Independent Expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Human Rights Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work;

28. *Requests* the Independent Expert to report to the General Assembly on the issue of the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

29. *Requests* the Secretary-General to provide the Independent Expert with all necessary assistance, in particular all the staff and resources required to carry out his functions;

30. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Independent Expert in the discharge of the mandate;

31. *Requests* the Independent Expert to submit a report on the implementation of the present resolution to the Human Rights Council at its thirty-fourth session;

32. *Decides* to continue its consideration of this matter at its thirty-fourth session under the same agenda item.

62nd meeting
23 March 2016

[Adopted by a recorded vote of 33 to 12, with 2 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Nigeria, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Albania, Belgium, France, Germany, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Georgia, Mexico]

31/12. Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of 7 December 2009 and 64/174 of 18 December 2009, and Council resolutions 10/23 of 26 March 2009, 14/9 of 18 June 2010, 17/15 of 17 June 2011, 19/6 of 22 March 2012, 20/11 of 5 July 2012, 23/10 of 13 June 2013, 25/19 of 28 March 2014 and 28/9 of 26 March 2015,

Noting the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001, respectively,

Welcoming the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and that entered into force on 18 March 2007,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights, and that these rights should be guaranteed for all, without discrimination;

6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and background, advancing the application and

enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Takes note* of the report of the Special Rapporteur in the field of cultural rights to the Human Rights Council[9] and, in particular, of her intention to submit to the General Assembly at its seventy-first session a final study on the intentional destruction of cultural heritage;

10. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in the discharge of the mandate, to provide her with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;

11. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

12. *Requests* the Special Rapporteur to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

13. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

63rd meeting
23 March 2016

[Adopted without a vote.]

31/13. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Human Rights Council,

Guided by the principles and purpose of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992,

Taking into consideration article 27 of the International Covenant on Civil and Political Rights and other relevant existing international standards and national legislation,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities, including Assembly resolution 70/166 of 17 December 2015, Commission resolution 2005/79 of 21 April 2005, and Council resolutions 7/6 of 27 March 2008, 16/6 of 24 March 2011, 22/4 of 21 March

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[9] A/HRC/31/59.

2013 and 25/5 of 27 March 2014, on the mandate of the Special Rapporteur on minority issues,

Recalling also the paragraphs in the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[77] of which the Addis Ababa Action Agenda of the Third International Conference on Financing for Development is an integral part, recalling that the Goals and targets contained in the 2030 Agenda are aimed at realizing the human rights of all, and stressing the need for Member States to integrate the 2030 Agenda into their respective national policies and development frameworks, as appropriate, to promote the effective implementation of, follow-up to and review of the 2030 Agenda, in order to ensure that no one is left behind,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing their economic and social conditions and marginalization, and to end any type of discrimination against them,

Emphasizing also the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination against persons belonging to national or ethnic, religious and linguistic minorities and the compounded negative impact on the enjoyment of their rights,

Emphasizing further the fundamental importance of human rights education, training and learning, and of dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices, such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies, and social cohesion therein,

Noting that 2016 marks the fiftieth anniversary of the adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, affirming that the above-mentioned anniversary offers an important opportunity to reflect upon and reinforce obligations and the commitment of States to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, and noting the opportunity it represents to take stock of achievements, best practices and challenges with regard to the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and reaffirming the principles and commitments therein,

1. *Takes note* of the report of the Special Rapporteur on minority issues submitted to the Human Rights Council at its thirty-first session,[78] the report on the

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[77] General Assembly resolution 70/1

[78] A/HRC/31/56

recommendations of the Forum on Minority Issues at its eighth session[37] and the report of the Special Rapporteur on minority issues to the General Assembly at its seventieth session,[38] with its special focus on minorities and the criminal justice process;

2. *Notes* the completion, in November 2015, of the eighth session of the Forum on Minority Issues, addressing the rights of persons belonging to minorities in the criminal justice system, which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on this topic, and encourages States to take into consideration the relevant recommendations of the Forum;

3. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities;[39]

4. *Commends* the Special Rapporteur on minority issues for the work undertaken in accordance with Human Rights Council resolution 25/5 and for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her guiding role in the preparation and work of the Forum on Minority Issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to minorities;

5. *Calls upon* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in other international human rights obligations and commitments, and recommends that all measures taken with a view to implementing the Declaration be, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

6. *Urges* States, while bearing in mind the theme of the eighth session of the Forum on Minority Issues, and with a view to enhancing the implementation of the Declaration and to ensuring the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including at all stages of the criminal justice process, to take appropriate measures by, inter alia:

(*a*) Reviewing any legislation, policy or practice that has a discriminatory or disproportionately negative effect on persons belonging to national or ethnic, religious and linguistic minorities, with a view to considering its amendment;

(*b*) Ensuring that all individuals within their jurisdiction enjoy their human rights throughout the criminal justice system in accordance with international human rights law, including the right to a fair trial, the right to legal assistance, the presumption of innocence and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(*c*) Promoting a composition of law enforcement bodies at the local, regional and national levels that reflects the diversity of the population, including by, as appropriate, fostering the recruitment, promotion and retention of persons belonging to national or ethnic, religious and linguistic minorities, male and female, by the police, the judiciary, prosecution services and prison personnel;

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[37] A/HRC/31/72

[38] A/70/212

[39] A/HRC/31/27

(*d*) Developing awareness-raising and training initiatives, including for public officials, judges, prosecutors and law enforcement officials, on the rights of persons belonging to minorities and impartial and non-discriminatory application of the law;

(*e*) Promoting access to mechanisms with the mandate and technical capacity to receive and consider complaints of discrimination, inter alia, against persons belonging to national or ethnic, religious and linguistic minorities in the criminal justice system;

(*f*) Removing obstacles that prevent persons belonging to national or ethnic, religious and linguistic minorities, including the most vulnerable within the community, such as women, children, persons with disabilities, older persons, those living in conditions of extreme poverty and minorities affected by conflict and/or displacement, from reporting a violation of their rights or having access to formal justice;

(*g*) Taking adequate measures to address the overrepresentation of persons belonging to national or ethnic, religious and linguistic minorities in pretrial detention or prison;

(*h*) Working towards detention or imprisonment conditions that take into consideration the needs of prisoners belonging to national or ethnic, religious and linguistic minorities;

7. *Invites* national human rights institutions, civil society organizations and other relevant stakeholders to engage regularly with Governments to contribute to the eradication of discriminatory practices by law enforcement agencies and/or the judiciary;

8. *Invites* international and regional organizations to continue to give attention to the situations and rights of persons belonging to national or ethnic, religious and linguistic minorities, and in this regard to take into consideration relevant recommendations of the Forum on minority issues;

9. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to increase further their coordination and cooperation by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to minorities, drawing also on relevant outcomes of the Forum and taking into account the work of relevant regional organizations;

10. *Takes note in particular*, in this regard, of the initiatives and activities of the United Nations network on racial discrimination and protection of minorities, coordinated by the Office of the High Commissioner and aimed at enhancing dialogue and cooperation between relevant United Nations agencies, funds and programmes, and invites the network to continue to cooperate with the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and to consult and engage with persons belonging to national or ethnic, religious and linguistic minorities and civil society actors;

11. *Requests* the High Commissioner to continue to present an annual report to the Human Rights Council containing information on relevant developments of United Nations human rights bodies and mechanisms, and on the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

12. *Requests* the Secretary-General and the High Commissioner to continue to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Special Rapporteur on minority issues and for the activities of the Office of the High Commissioner in the area of rights of persons belonging to national or ethnic, religious and linguistic minorities;

13. *Decides* to continue its consideration of this issue in accordance with its programme of work.

63rd meeting
23 March 2016

[Adopted without a vote.]

31/14. The role of good governance in the promotion and protection of human rights

The Human Rights Council,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations, and also the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Human Rights Council resolutions 7/11 of 27 March 2008, 19/20 of 23 March 2012, and 25/8 of 27 March 2014, and all other resolutions relevant to the role of good governance in the promotion of human rights, and the United Nations Millennium Declaration,

Welcoming the resolve of States parties to the United Nations Convention against Corruption, and the commitment made by all States in the 2005 World Summit Outcome to make the fight against corruption a priority at all levels, and noting with interest the provisions of the Convention that have led to the development of a mechanism among States parties to review their progress in combating corruption,

Noting the ongoing work by several important initiatives towards the deepening of good governance practices at the national, regional and international levels,

Recognizing the importance of a conducive environment, at both the national and international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

Recognizing also that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the right to development,

Stressing that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger, and in this context reaffirming the Millennium Declaration, the 2005 World Summit Outcome, the outcome of the 2010 High-level Summit on the Millennium Development Goals and the 2030 Agenda for Sustainable Development,[20]

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, and through the impairment of the ability of Governments to fulfil all their human rights obligations,

Acknowledging that good governance has a central role in the promotion and protection of human rights, and in preventing and combating corruption at all levels,

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[20] General Assembly resolution 70/1.

Realizing that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating an environment conducive to their full enjoyment,

Recognizing that effective anti-corruption measures and the protection of human rights, including by strengthening transparency and accountability in government, are mutually reinforcing,

Noting with interest the outcomes of the third, fourth, fifth and sixth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha in 2009, in Marrakech, Morocco in 2011, in Panama City in 2013, and in Saint Petersburg, Russian Federation in 2015,

Stressing the importance of policy coherence and coordination in intergovernmental processes in the area of the promotion and protection of human rights, on the one hand, and of anti-corruption initiatives, on the other,

Stressing also the importance of developing and implementing national legislation on the promotion of access to information and of strengthening the administration of justice, transparency, accountability and good governance at all levels,

Reaffirming the right of every citizen to have access, in general terms of equality, to public service in his or her country as enshrined in article 21 of the Universal Declaration of Human Rights and article 25 (c) of the International Covenant on Civil and Political Rights,

Recognizing that a professional, accountable and transparent public service upholding the highest standards of efficiency, competence and integrity is one of the essential components of good governance,

Recognizing also that the knowledge, training and awareness of public servants, and the promotion of a human rights culture within the public service, play a vital role in promoting respect for and the realization of human rights in society,

Welcoming the contribution of the United Nations Public Service Awards programme, which recognizes excellence in public service to the promotion of the role, professionalism and visibility of public service, and noting its review to align it with the 2030 Agenda for Sustainable Development,

Welcoming also the 2030 Agenda for Sustainable Development, including its recognition of the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, including the right to development, on effective rule of law and good governance at all levels, and on transparent, effective and accountable institutions,

Taking into account the ongoing work of the United Nations system and other relevant international and regional organizations relating to the role of good governance in the promotion and protection of human rights,

1. *Welcomes* the holding by the Human Rights Council, at its thirtieth session, of a panel discussion on a human rights-based approach to good governance in the public service;

2. *Also welcomes* the summary report of the United Nations High Commissioner for Human Rights on the panel discussion;[41]

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[41] A/HRC/31/28.

3. *Further welcomes* the growing trend towards the universal ratification of the United Nations Convention against Corruption, and encourages States that have not yet ratified this important international instrument to consider doing so;

4. *Welcomes* the commitments made by all States in the 2030 Agenda for Sustainable Development with regard to good governance in the promotion and protection of human rights, including in Sustainable Development Goal 16;

5. *Underlines* that the primary responsibility lies with States at the national level, including through their constitutional provisions and other enabling legislation, consistent with their international obligations, to ensure that professional public services uphold the highest standards of efficiency, competence and integrity, and are predicated on good governance principles, including impartiality, rule of law, transparency, accountability and combating corruption, and stresses the importance of human rights training and education in this regard;

6. *Invites* the Secretary-General to ensure the upholding of the integrity of the United Nations system in its service of humanity, and improved coordination between United Nations agencies, programmes and funds, with a view to ensuring that the United Nations system continues to improve the quality of its work at all levels, including in support of objectives and priorities at the national level;

7. *Encourages* the relevant mechanisms of the Human Rights Council to continue to consider, within their respective mandates, the issue of the role of good governance in the promotion and protection of human rights;

8. *Requests* the High Commissioner to prepare a compilation of the activities and programmes of the United Nations system that contribute to the role of good governance in the promotion and protection of human rights, including its efforts to support States in the implementation of the 2030 Agenda for Sustainable Development in this context, and to submit it to the Human Rights Council at its thirty-fourth session;

9. *Decides* to remain seized of the matter.

63rd meeting
23 March 2016

[Adopted without a vote.]

31/15. The right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Economic, Social and Cultural Rights and other international human rights instruments relevant to the right to work,

Reaffirming also Human Rights Council resolution 28/15 of 26 March 2015 on the right to work,

Recalling General Assembly resolution 63/199 of 19 December 2008 entitled "International Labour Organization Declaration on Social Justice for a Fair Globalization" and Economic and Social Council resolutions 2007/2 of 17 July 2007 entitled "The role of the United Nations system in providing full and productive employment and decent work for all" and 2008/18 of 24 July 2008 entitled "Promoting full employment and decent work for all", *Recalling also* the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its follow-up, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009, the resolution of the International Labour Organization on the follow-up to its Declaration on Fundamental Principles and Rights at Work, adopted by the Conference at its ninety-ninth session, on 15 June 2010, and the resolution concerning gender equality at the heart of decent work adopted by the General Conference of the International Labour Organization at its ninety-eighth session, on 17 June 2009,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system in relation to the promotion of decent work and full and productive employment for all, welcoming its initiatives and activities in this regard, including the Decent Work Agenda, and noting the recently launched centenary initiatives of the International Labour Organization on the future of work and on women at work,

Reaffirming that all human rights and civil, political, economic, social and cultural rights, including the right to development, are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Emphasizing also that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity and is important to ensure the satisfaction of human needs and values that are central to a dignified life,

Recognizing that full and productive employment and decent work for all are key elements of poverty-reduction strategies that facilitate the achievement of the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development,[42] and that they require a multidimensional focus that incorporates Governments, the private sector, civil society organizations, representatives of employers and workers, international organizations and, in particular, the agencies of the United Nations system and the international financial institutions,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the realization of the right to work;[43]

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, which includes the right of everyone to the opportunity to gain his or her living by work which he or she freely chooses or accepts, and that States should take steps to achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular, remuneration which provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without

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[42] General Assembly resolution 70/1.

[43] A/HRC/31/32.

distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, and remuneration for public holidays;

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work, including in particular the adoption of legislative measures;

5. *Recognizes* that ensuring equality and non-discrimination in access to work is crucial in addressing the social prejudices and disadvantages that might exist in the labour market and undermine equality and dignity;

6. *Stresses* that the freedom to work, which is included in the right to work, entails the right to pursue professional options under equal conditions without unjustified barriers;

7. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish the use of it in all its forms;

8. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly, and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place measures ensuring the protection of workers against unlawful dismissal;

9. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working conditions, including limited or no legal protection, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care work, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

10. *Stresses* that States should take all appropriate measures to eliminate discrimination against women in the field of employment and to tackle any structural barrier to employment opportunities, such as in education, health, work and life balance and lack of maternity protection, in order to ensure, on a basis of equality of men and women, the same rights, including in particular the rights to work, the same employment opportunities, promotion, free choice of profession and employment, job security and all benefits and conditions of service, and the rights to receive vocational training and retraining, equal remuneration, equal treatment in respect to work of equal value, social security and protection of health and safety in working conditions;

11. *Recognizes* that progress has been made, yet is deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to work on an equal basis with others and that persons with disabilities are frequently subject to less favourable conditions of pay, precarious work regimes and poor career prospects in a context of environmental, social and economic barriers in their access to work and within work, and in education and training, which results on many occasions in neglect of their potential and restrictions on opportunities to earn a living through their capabilities, and in this regard encourages States to take all appropriate measures to prohibit

discrimination against persons with disabilities in all matters concerning access to employment and job opportunities, including in relation to equal conditions of pay, hiring and career advancement;

12. *Underscores* the responsibility of the State to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development;

13. *Expresses concern* that global unemployment stood at 197 million in 2015, representing an increase of nearly 1 million compared with the previous year and of about 27 million compared with 2007, and about the severe impact that the international economic and financial crisis has had in that regard, and notes with concern that the global level of women's participation in the labour force is 27 per cent lower than that of men;

14. *Expresses deep concern* that, in 2015, approximately 71.3 million young people were unemployed and that the global youth unemployment rate was around 13.1 per cent, while the global employment rate for young women was 15 percentage points lower than that for young men, resolves in that regard to pay particular attention to the realization of the right to work for young people, bearing in mind the fundamental importance of equal opportunities, education and vocational training in the context of realizing that right, and emphasizes that full and productive employment for young people plays an important role in their empowerment and can contribute to, inter alia, the prevention of extremism, terrorism and social, economic and political instability;

15. *Stresses* that technical and vocational education and guidance are necessary measures for the realization of the right to work for all;

16. *Welcomes* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development, including, inter alia, its Goal 8, on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and its targets;

17. *Recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building, exchange of relevant lessons learned and good practices, in advancing efforts towards the full realization of the right to work through full and productive employment and decent work for all;

18. *Calls upon* States to put in place comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work, including by considering to undertake policy commitments and measures to obtain full and productive employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises and cooperatives;

19. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant social protection measures, including social protection floors;

20. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of full and productive employment and decent work for all;

21. *Recognizes* the important contribution of workers' and employers' organizations in the area of full and productive employment and decent work for all;

22. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive employment and decent work for all as a foundation for sustainable development, and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities, and reaffirms that opportunities for men and women to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensure the eradication of hunger and poverty, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic growth and sustainable development of all nations and a fully inclusive and equitable globalization;

23. *Acknowledges* the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in relation to the right to work;

24. *Also acknowledges* the work of United Nations agencies, programmes and funds, in particular the International Labour Organization, in supporting the efforts of States to promote full and productive employment and decent work for all and the full realization of the right to work;

25. *Requests* the United Nations High Commissioner for Human Rights to prepare an analytical report, in consultation with States, United Nations agencies, funds and programmes, particularly the International Labour Organization, and the treaty bodies, special procedures, civil society and other relevant stakeholders, on the relationship between the realization of the right to work and the enjoyment of all human rights by women, with a particular emphasis on the empowerment of women, in accordance with States' respective obligations under international human rights law and the relevant major challenges and best practices in that regard, and to submit the report to the Human Rights Council prior to its thirty-fourth session;

26. *Decides* to remain seized of the matter.

63rd meeting
23 March 2016

[Adopted without a vote.]

31/16. Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

Recalling further Human Rights Council resolution 28/18 of 27 March 2015, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Noting with appreciation the conclusions and recommendations of the expert workshops organized by the Office of the United Nations High Commissioner for Human Rights and contained in the Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in Rabat on 5 October 2012, *Reaffirming* that all human rights are universal, indivisible, interdependent and interrelated,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals, including persons belonging to religious communities and religious minorities around the world,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, and to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses also the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Expresses deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief, as well as instances of religious intolerance, discrimination and violence, inter alia:

(*a*) The increasing number of acts of violence directed against individuals, including persons belonging to religious minorities in various parts of the world;

(*b*) The rise of religious extremism in various parts of the world that affects the rights of individuals, including persons belonging to religious minorities;

(*c*) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of individuals on the basis of their religion or belief;

(*d*) Instances that, both in law and in practice, constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights and other international instruments;

(*e*) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction;

(*f*) Attacks on religious places, sites and shrines and vandalism of cemeteries, in violation of international law, in particular international human rights law and international humanitarian law;

4. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

5. *Also condemns* violence and acts of terrorism, which are increasing in number and targeting individuals, including persons belonging to religious minorities across the world;

6. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences for the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

7. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Strongly encourages* government representatives and leaders in all sectors of society and respective communities to speak out against acts of intolerance and violence based on religion or belief;

9. *Urges* States to step up their efforts to promote and protect freedom of thought, conscience and religion or belief, and to this end:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all, without distinction, by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(*b*) To implement all accepted universal periodic review recommendations relating to the promotion and protection of freedom of religion or belief;

(*c*) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(*d*) To end violations of the human rights of women, and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(*e*) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(*f*) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all individuals to manifest their religion or belief, either alone or in community with others and in public or private;

(*g*) To ensure that no official documents are withheld from the individual on the grounds of religion or belief, and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(*h*) To ensure, in particular, the right of all individuals to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all individuals to seek, receive and impart information and ideas in these areas;

(*i*) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all individuals, including persons belonging to religious minorities, to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(*j*) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(*k*) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to persons belonging to religious minorities in all parts of the world;

(*l*) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(*m*) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among individuals of, and within, different religions and beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note with appreciation of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Calls upon* States to make use of the potential of education for the eradication of prejudices against and stereotypes of individuals on the basis of their religion or belief;

13. *Takes note* of the thematic report presented by the Special Rapporteur on the relationship between the right to freedom of religion or belief and the right to freedom of opinion and expression,[44] and the recommendations therein;

14. *Also takes note* of the work of the Special Rapporteur, and concludes that there is a need for the continued contribution of the Special Rapporteur to the promotion, protection and universal implementation of the right to freedom of religion or belief;

15. *Decides* to extend the mandate of the Special Rapporteur for a further period of three years, and invites the Special Rapporteur to discharge the mandate in accordance with paragraph 18 of Human Rights Council resolution 6/37;

16. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his or her requests to visit their countries, and to provide him or her with all necessary information to enable him or her to fulfil the mandate even more effectively;

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[44] A/HRC/31/18.

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of the mandate;

18. *Requests* the Special Rapporteur to report annually to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

19. *Decides* to remain seized of this question under the same agenda item and to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

63rd meeting
23 March 2016

[Adopted without a vote.]

31/17. The human rights situation in the Syrian Arab Republic

For the text of the resolution, see chapter II.

31/18. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 28/22 of 27 March 2015 and Assembly resolution 70/172 of 17 December 2015, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and annexes thereto,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[45] which was welcomed by both the Human Rights Council and the General Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,

Deeply concerned at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, and at the impunity of perpetrators, as described in the report of the commission of inquiry,

Concerned that the precarious humanitarian situation in the country is exacerbated by the failure of the Government of the Democratic People's Republic of Korea to provide humanitarian agencies with free and unimpeded access to all populations in need and by its national policy priorities that, among others, prioritize military spending over citizens' access to food,

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[45] A/HRC/25/63.

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence,

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 of the 268 recommendations contained in the outcome of the review and its stated commitment to implement them and to look into the possibility of implementing a further 58 recommendations, and emphasizing the importance that the Democratic People's Republic of Korea accept and implement the recommendations in order to address the grave human rights violations in the country,

Recognizing the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

Noting the importance of the issue of international abductions and of the immediate return of all abductees, taking note of the outcome of the government-level consultation between the Democratic People's Republic of Korea and Japan in May 2014, on the basis of which the Democratic People's Republic of Korea commenced investigations on all the Japanese nationals, and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

Welcoming the panel discussion on the situation of human rights in the Democratic People's Republic of Korea, including the issue of international abductions, enforced disappearances and related matters, held during the thirtieth session of the Human Rights Council,

Noting the importance of inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

Welcoming the resumption of the reunions of separated families across the border in October 2015, and, given that this is an urgent humanitarian concern of the entire Korean people, owing, in particular, to the advanced age of many members of the separated families, hoping that necessary arrangements for confirming the fate of family members, exchanging letters, visiting their hometowns and holding further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

Reaffirming the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(*a*) The denial of the right to freedom of thought, conscience and religion, and of the rights to freedom of opinion, expression and association, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(*b*) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(*c*) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(*d*) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(*e*) Violations of the right to life and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave forms of sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons, and the widespread practice of collective punishment with harsh sentences imposed on innocent individuals;

(*f*) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge the human rights violations in the country and to take immediate steps to end all such violations and abuses through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry, including, but not limited to, the following steps:

(*a*) To ensure the right to freedom of thought, conscience and religion, and the rights to freedom of opinion, expression and association, including by permitting the establishment of independent newspapers and other media;

(*b*) To end discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and to take immediate steps to ensure gender equality and to protect women from gender-based violence;

(*c*) To ensure the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(*d*) To promote equal access to food, including through full transparency regarding the provision of humanitarian assistance so that such assistance is genuinely provided to vulnerable persons;

(*e*) To immediately halt all human right violations relating to prison camps, including the practice of forced labour, to dismantle all political prison camps and to release all political prisoners, to immediately cease the practice of the arbitrary execution of persons in custody, and to ensure that justice sector reforms provide protections for a fair trial and due process;

(*f*) To resolve the issue of all persons who have been abducted or otherwise forcibly disappeared, and their descendants, in a transparent manner, including by ensuring their immediate return;

3. *Reiterates its deep concern* at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel,

inhumane and degrading treatment, sexual violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law and the Convention relating to the Status of Refugees and the Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

4. *Stresses and restates its grave concern* about the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades; these crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

5. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations, and encourages the members of the international community to cooperate with accountability efforts and to ensure that these crimes do not remain unpunished;

6. *Welcomes* General Assembly resolution 70/172, in which the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for acts that the commission has stated may constitute crimes against humanity;

7. *Also welcomes* the decision of the Security Council to hold a second Council meeting on 10 December 2015, following the one held in December 2014, during which the situation of human rights in the Democratic People's Republic of Korea was discussed, and looks forward to the continued and active engagement of the Council on this matter;

8. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

9. *Welcomes* the report of the Special Rapporteur submitted to the Human Rights Council at its thirty-first session,[49] in which the Special Rapporteur called upon the Council to establish a group of independent experts on accountability;

10. *Recalls* the findings and recommendations of the commission of inquiry on human rights in the Democratic People's Republic of Korea, and requests the United Nations High Commissioner for Human Rights to designate, for a period of six months, a maximum of two existing independent experts in support of the work of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea to focus on issues of accountability for human rights violations in the country, in particular where such violations amount to crimes against humanity, as found by the commission of inquiry;

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[49] A/HRC/31/70.

11. *Requests* the group of independent experts on accountability, taking into account existing international law and prevailing State practices with regard to accountability:

(*a*) To explore appropriate approaches to seek accountability for human rights violations in the Democratic People's Republic of Korea, in particular where such violations amount to crimes against humanity, as found by the commission of inquiry;

(*b*) To recommend practical mechanisms of accountability to secure truth and justice for the victims of possible crimes against humanity in the Democratic People's Republic of Korea, including the International Criminal Court;

12. *Decides* to extend the mandate of the Special Rapporteur of the situation of human rights in the Democratic People's Republic of Korea, in accordance with Human Rights Council resolution 28/22, for a period of one year;

13. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

14. *Welcomes* the establishment by the Office of the High Commissioner of a field-based structure in Seoul to strengthen the monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, to ensure accountability, to provide the Special Rapporteur with increased support, to enhance the engagement and capacity-building of the Governments of all States concerned, civil society and other stakeholders, and to maintain the visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives;

15. *Also welcomes* the report of the High Commissioner on the role and achievements of the Office with regard to the situation of human rights in the Democratic People's Republic of Korea submitted to the Human Rights Council at its thirty-first session,[47] and invites the High Commissioner to provide regular updates on the issue to the Council;

16. *Calls upon* all States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, that it has sufficient resources and that it is not subjected to any reprisals or threats;

17. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea;

18. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his or her mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

19. *Also requests* the Special Rapporteur to include the report of the group of independent experts on accountability as an annex to his/her report to the Council at its thirty-fourth session;

20. *Acknowledges* that the Special Rapporteur held a dialogue with the representatives of the Democratic People's Republic of Korea in New York on 27 October 2014, and urges the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with the Special Rapporteur, to give

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[47] A/HRC/31/38.

the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all information necessary to enable them to fulfil such a mandate, and also to promote technical cooperation with the Office of the High Commissioner;

21. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

22. *Encourages* all States, the United Nations Secretariat, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to take forward those recommendations;

23. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations, including by closing political prison camps and undertaking profound institutional reforms;

24. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

25. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

63rd meeting
23 March 2016

[Adopted without a vote.]

31/19. Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling its resolutions 16/9 of 24 March 2011, 19/12 of 3 April 2012, 22/23 of 22 March 2013, 25/24 of 28 March 2014 and 28/21 of 27 March 2015, General Assembly resolution 70/45 of 17 December 2015 and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Human Rights Council and the Assembly made in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,[48] and expressing serious concern at the developments noted in that report and the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the

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[48] A/HRC/31/69.

Council, of 18 June 2007, and stressing that mandate holders are to discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of his mandate to the Human Rights Council at its thirty-fourth session and to the General Assembly at its seventy-first session;

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country, and to provide all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

63rd meeting
23 March 2016

[Adopted by a recorded vote of 20 to 15, with 11 abstentions.* The voting was as follows:

In favour:

Albania, Belgium, Botswana, El Salvador, France, Germany, Latvia, Mexico, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Algeria, Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, India, Indonesia, Kenya, Kyrgyzstan, Russian Federation, South Africa, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Congo, Côte d'Ivoire, Ethiopia, Ghana, Maldives, Mongolia, Morocco, Namibia, Nigeria, Philippines, Togo]

31/20. Situation of human rights in South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights,

Recalling Human Rights Council resolution 29/13 of 2 July 2015, in which the Council requested the Office of the United Nations High Commissioner for Human Rights, inter alia, to undertake a comprehensive assessment of allegations of violations and abuses of human rights and to recommend appropriate follow-up action,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 18/17 of 29 September 2011, 21/28 of 28 September 2012, 23/24 of 14 June 2013 and 26/31 of 27 June

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* The delegation of Georgia did not cast a vote.

2014 on technical assistance and capacity-building for South Sudan in the field of human rights and the President's statement PRST 25/2 of 28 March 2014,

Recalling further all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development,

Recalling Security Council resolutions 1809 (2008) of 16 April 2008, 2033 (2012) of 12 January 2012, 2206 (2015) of 3 March 2015, 2223 (2015) of 28 May 2015, 2241 (2015) of 9 October 2015 and 2252 (2015) of 15 December 2015 and the statements by its President S/PRST/2014/16 of 8 August 2014, S/PRST/2014/26 of 15 December 2014 and S/PRST/2015/9 of 24 March 2015,

Deeply concerned by the allegations of human rights violations and abuses in the reports of the Secretary-General on South Sudan, the reports of the United Nations Mission in South Sudan dated 21 February 2014, 8 May 2014, 19 December 2014, 9 January 2015 and 4 December 2015, and the reports of the United Nations High Commissioner for Human Rights,[49]

Deeply concerned also about the prevailing situation in South Sudan, which is marked by the atrocities committed since the outbreak of violence in December 2013, acute food insecurity, a deepening economic crisis and the dire humanitarian crisis, producing mass displacements within South Sudan and outside the country, access restrictions and other impediments to humanitarian assistance, while commending humanitarian agencies for their continued assistance to the affected populations, and urging all actors concerned to cooperate fully with humanitarian agencies,

Noting with grave concern the conclusions of the United Nations Mission in South Sudan in its reports dated 8 May 2014 and 4 December 2015 that the violations and abuses of human rights and the violations of international humanitarian law that have been committed may constitute war crimes and crimes against humanity,

Gravely concerned about the increase in sexual and gender-based violence and instances of conflict-related rape and gang rape, coupled with beating and abductions, as reported by the Secretary-General to the Security Council in February 2016,[50]

Expressing grave concern at the new trend of wholesale destruction of villages, indiscriminate targeting of civilians and health-care facilities, attacks on places of worship, the attack on the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal, the continued obstruction and extortion of humanitarian assistance convoys and the wholesale looting and destruction of humanitarian compounds in the Greater Pibor Administrative Area, Unity and Upper Nile States and Juba,

Condemning in the strongest terms the violence which erupted in the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal on 17 and 18 February 2016, and emphasizing the inviolability and sanctity of the United Nations compound,

Underlining that attacks against civilians and United Nations premises may constitute war crimes,

Expressing concern that civilians who sought safety in the protection-of-civilians site of the United Nations Mission in South Sudan have been attacked, killed, traumatized and displaced, and that serious damage was caused to the entire site, including to medical clinics and schools, which were burned down and destroyed,

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[49] See A/HRC/31/49 and A/HRC/31/CRP.6, which were made publicly available only after the start of the thirty-first session of the Human Rights Council on 11 March 2016.

[50] S/2016/138.

Recalling that the protection of civilians in South Sudan is a responsibility of the Government of South Sudan,

Urging all parties to the conflict in South Sudan to protect civilians and allow safe and immediate humanitarian access,

Emphasizing that mediation can play an important role in the peaceful settlement of disputes, conflict resolution and prevention, including the prevention of human rights violations and abuses,

Expressing particular concern at the reduction of democratic space in South Sudan, including through the heightened restrictions on freedom of expression, peaceful assembly and association, including attacks on journalists and media workers, and limitations on the operations of civil society and the media, and in this regard noting with concern that the recently signed bills on non-governmental organizations and the Relief and Rehabilitation Commission could disrupt international and national non-governmental organizations, including those that provide ongoing humanitarian assistance, and stressing the responsibilities of a transitional Government of national unity to address these issues in accordance with the Agreement on the Resolution of the Conflict in the Republic of South Sudan,

Welcoming the signing of the Agreement and the leading role that the Intergovernmental Authority on Development played to mediate the Agreement, and calling on all parties to fully implement the Agreement and abide by the ceasefire,

Welcoming also the report of the African Union commission of inquiry on South Sudan, and emphasizing its hope that this and other credible reports will be considered by any transitional justice mechanisms for South Sudan, including those provided for in the Agreement,

Recognizing that accountability and transitional justice can be important elements in a national reconciliation process and in implementing the Agreement, including by addressing issues of reparation, truth-seeking and non-recurrence,

Welcoming the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity, reiterated condemnation of the violence and abuses committed by armed actors in South Sudan, agreed to the establishment of an independent hybrid court and supported the establishment of a commission for truth, reconciliation and healing consistent with the Agreement and, in this regard, inviting the Chairperson of the African Union Commission to take all steps necessary to establish these bodies,

Underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

Expressing concern that the situation in South Sudan continues to be characterized by impunity,

1. *Condemns* the ongoing human rights violations and abuses and violations of international humanitarian law in South Sudan, including those involving alleged targeted killings, ethnically targeted violence, rape and other forms of sexual and gender-based violence, the recruitment and use of children, arbitrary arrests and detention, alleged torture, arbitrary denial of humanitarian access and attacks on schools, places of worship, hospitals and United Nations and associated peacekeeping personnel, by all parties, also condemns the harassment and violence directed at civil society, humanitarian personnel and journalists, and emphasizes that those responsible for violations and abuses of human rights and violations of international humanitarian law must be held accountable;

2. *Demands* that all actors put a halt to all human rights violations and abuses and all violations of international humanitarian law, and strongly calls upon the

Government of South Sudan, as well as the transitional Government of national unity, once formed, to ensure the protection and promotion of human rights and fundamental freedoms;

3. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights assessment team dated 11 March 2016 and takes note of the recommendations contained therein;

4. *Also welcomes* the signing, under the auspices of the Intergovernmental Authority on Development, of the Agreement on the Resolution of the Conflict in the Republic of South Sudan;

5. *Further welcomes* the establishment of the Joint Monitoring and Evaluation Commission and the appointment of the former President of Botswana, Festus Mogae, as its Chair;

6. *Recognizes* the important role of the Joint Monitoring and Evaluation Commission in monitoring and overseeing implementation of the Agreement and its ceasefire provisions, and urges all parties and international partners to constructively engage with the Commission and other bodies created by the Agreement;

7. *Welcomes* the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity and reiterated its condemnation of the violence and abuses committed by armed actors in South Sudan;

8. *Calls upon* all local, regional and international partners to collaborate with and support the processes aimed at achieving the implementation of a sustainable peace;

9. *Urges* the speedy formation of an inclusive transitional Government of national unity to ensure full implementation of the Agreement, and stresses that perpetrators of violations of international humanitarian law, human rights violations and abuses, including any that amount to war crimes or crimes against humanity, should be held accountable;

10. *Recognizes* the important contribution of the Joint Monitoring and Evaluation Commission in working with the parties towards the establishment of a transitional Government of national unity and urges continued support from all relevant domestic and international stakeholders for their efforts;

11. *Calls upon* the Government of South Sudan, as well as the transitional Government of national unity, once formed, to investigate all human rights violations and abuses and violations of international humanitarian law, and to hold those responsible to account, while affording fair trial protections to the accused and supporting victims and protecting potential witnesses, before, during and after legal proceedings;

12. *Urges* the Government of South Sudan, as well as the transitional Government of national unity, once formed, to take steps immediately to protect the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations and to, among other things, ensure that members of civil society organizations and the media can operate freely and without intimidation;

13. *Strongly urges* all parties to end and prevent human rights violations and abuses committed against children, and calls upon all parties to end immediately the unlawful recruitment of children and to release all children that have been unlawfully recruited to date;

14. *Recognizes* the important role that women play in building peace, calls for the protection and promotion of the rights of women, their empowerment and participation in peacebuilding, conflict resolution and post-conflict processes, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, including Council resolution 2242 (2015) of 13 October 2015;

15. *Supports* the establishment of transitional justice institutions, including an independent hybrid court and a commission for truth, reconciliation and healing, consistent with the Agreement, and in this regard calls for the establishment of these bodies without delay and calls upon all parties to fully cooperate with them;

16. *Expresses serious concern* about the lack of progress made by the Government of South Sudan in improving the promotion and protection of human rights, especially in the areas outlined in paragraphs 14 and 15 of Human Rights Council resolution 29/13;

17. *Calls upon* the Government of South Sudan to cooperate fully and constructively with the Office of the United Nations High Commissioner for Human Rights and the United Nations Mission in South Sudan, as well as regional, subregional, and international mechanisms on the ground;

18. *Decides* to establish a Commission on Human Rights in South Sudan, composed of three members, for a period of one year, renewable as authorized by the Human Rights Council, with the following mandate:

(*a*) To monitor and report on the situation of human rights in South Sudan and make recommendations for its improvement;

(*b*) To assess past reports on the situation of human rights since December 2013 in order to establish a factual basis for transitional justice and reconciliation;

(*c*) To provide guidance on transitional justice, accountability, reconciliation and healing, as appropriate, and — once the transitional Government of national unity is fully formed, operational and commits to ending the violence against the civilian population and to cooperating with the hybrid court for South Sudan — to make recommendations on technical assistance to the transitional Government of national unity to support transitional justice, accountability, reconciliation and healing;

(*d*) To engage with other international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan, the African Union and its African Commission on Human and Peoples' Rights, the Joint Monitoring and Evaluation Commission Chair and civil society, with a view to providing support to national, regional and international efforts to promote accountability for human rights violations and abuses;

19. *Requests* the immediate operationalization of the mandate and the appointment of the Commission on Human Rights in South Sudan by the President of the Human Rights Council as soon as possible and no later than by the conclusion of the thirty-second session of the Council;

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the full administrative, technical and logistical support needed to enable the Commission on Human Rights in South Sudan to carry out its mandate;

21. *Acknowledges* that the Government of South Sudan has committed to cooperating with the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing all the meetings and information relevant and requested to support the fulfilment of the mandate;

22. *Requests* that representatives of the Office of the United Nations High Commissioner for Human Rights, the African Union, the Joint Monitoring and Evaluation Commission, the African Commission on Human and People's Rights and other stakeholders, as appropriate, be invited to discuss the human rights situation in South Sudan and steps taken by the Government to ensure accountability for human rights violations and abuses in an enhanced interactive dialogue at the thirty-second session of the Human Rights Council;

23. *Requests* the Commission on Human Rights in South Sudan to present a comprehensive written report, in an interactive dialogue, to the Human Rights Council at its thirty-fourth session;

24. *Requests* that the reports of the Commission on Human Rights in South Sudan be submitted to the Human Rights Council and then shared with the General Assembly and the African Union;

25. *Decides* to remain seized of the matter.

63rd meeting
23 March 2016

[Adopted without a vote.]

31/21. Human rights education and training

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Reaffirming the call of the World Conference on Human Rights, held in Vienna in 1993, on all States and institutions to include human rights, humanitarian law, democracy and rule of law in the curricula of all learning institutions, and its statement that human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights,

Reaffirming also the United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in its resolution 66/137 on 19 December 2011, and that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms, and that every individual and every organ of society should strive by teaching and education to promote respect for human rights and fundamental freedoms,

Recalling General Assembly resolution 59/113A of 10 December 2004, in which the Assembly proclaimed the World Programme for Human Rights Education as an international effort under the auspices of the United Nations to advance the implementation of human rights education in all sectors, and all previous resolutions of the Human Rights Council on human rights education and training,

Recalling also the 2005 World Summit Outcome, in which Heads of State and Government supported the promotion of human rights education and learning at all levels, including through the implementation of the World Programme for Human Rights Education, as appropriate, and encouraged all States to develop initiatives in that regard,

Convinced that human rights education is a long-term and lifelong process by which everyone learns tolerance and respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Recalling General Assembly resolution 70/254 of 12 February 2016,

Believing that human rights education and training is essential to the effective realization of human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and abuses, and enhancing participation and democratic processes with a view to developing societies in which all human beings are valued and respected, without discrimination or distinction of any kind, such as race, colour, sex, language, religion, political, or other opinion, national or social origin, property, birth or other status,

Believing also that human rights education and training can play an important role in promoting the rule of law, democracy, good governance and sustainable peace,

Recognizing that human rights education and training, especially for youth, can contribute to the promotion of inclusive and tolerant societies, thereby favouring the progressive realization of all human rights,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[51] including Goal 4, target 7 thereof, and of the Education 2030 Framework for Action,[52] and affirming the interlinkages and integrated nature of all Sustainable Development Goals and targets,

1. *Calls upon* States to take appropriate measures to ensure the effective implementation of and follow-up to the United Nations Declaration on Human Rights Education and Training, including by making available the necessary resources and promoting universal respect and understanding thereof;

2. *Encourages* States and all other stakeholders to strengthen the implementation of the World Programme for Human Rights Education, including its third phase;

3. *Welcomes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization in advancing human rights education and training globally, including through the promotion of national implementation of the World Programme for Human Rights Education, methodological and training support, capacity-building and technical assistance, and urges them to step up collaboration with States, upon request, in order to build their capacity for human rights education and training;

4. *Encourages* the Office of the High Commissioner, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to support the implementation of 2030 Agenda for Sustainable Development, including Goal 4, target 7 thereof;

5. *Affirms* the importance of education, including human rights education and training, as a tool to help to prevent terrorism and violent extremism, as well as racial and religious intolerance, genocide, war crimes, ethnic cleansing and crimes against humanity worldwide, and recognizing the catalytic role of education, including human rights education and training, in helping to ensure stability and sustainable peace, human rights, social justice, diversity, gender equality and environmental sustainability;

6. *Underlines* the necessity to strengthen international cooperation and coordination in order to advance human rights education and training as a necessary tool for the promotion and protection of human rights;

7. *Appreciates* the work done by the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to collect and develop educational materials on human rights education and training, including through regional centres, and to provide access to online educational materials, including through the Office's resource collection on human rights education and training and the Organization's clearinghouse on global citizenship education;

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[51] General Assembly resolution 70/1.

[52] Adopted on 4 November 2015 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-eighth session.

8. *Encourages* the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to further collect and provide access to educational materials on human rights education and training, including through the use of online platforms and information and communications technology;

9. *Welcomes* the initiative by the Secretary-General on preventing violent extremism which, inter alia, calls for education to include teaching respect for human rights and diversity, fostering critical thinking, promoting media and digital literacy, and developing the behavioural and socioemotional skills that can contribute to peaceful coexistence and tolerance;

10. *Appreciates* the work of the United Nations Educational, Scientific and Cultural Organization undertaken in cooperation with Member States to promote human rights education and training through the strategy on global citizenship education, in line with the Global Education First Initiative of the Secretary-General and Goal 4, target 7 of the 2030 Agenda for Sustainable Development;

11. *Recognizes* the important role of national human rights institutions in promoting effective policies on human rights education and training, and calls upon them to contribute further to the implementation of human rights education programmes;

12. *Also recognizes* the important role of civil society, including non-governmental organizations, in promoting and providing human rights education and training;

13. *Decides* to convene at its thirty-third session a high-level panel discussion to mark the fifth anniversary of the United Nations Declaration on Human Rights Education and Training, on the theme "The implementation of the United Nations Declaration on Human Rights Education and Training: good practices and challenges", and requests the Office of the High Commissioner to prepare a summary report of the high-level panel discussion and to submit it to the Human Rights Council by its thirty-fifth session.

64th meeting
24 March 2016

[Adopted without a vote.]

31/22. The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action and other relevant human rights instruments,

Recalling General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,

Recalling also General Assembly resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001, 57/244 of 20 December 2002, 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/1 of 16 September 2005, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/1 of 22

September 2010, 65/169 of 20 December 2010, 67/192 of 20 December 2012, 68/195 of 18 December 2013, 68/309 of 10 September 2014 and 69/199 of 18 December 2014,

Recalling further Human Rights Council resolutions 17/23 of 17 June 2011, 19/38 of 23 March 2012, 22/12 of 21 March 2013, 25/9 of 27 March 2014 and 28/5 of 26 March 2015,

Reaffirming the commitments of States parties to the United Nations Convention against Corruption thereunder, recognizing that the Convention is aimed at promoting and strengthening measures to prevent and combat corruption more efficiently and effectively, and that the return of assets is one of the main objectives and a fundamental principle of the said Convention, and that States parties are obligated to accord one another the widest measure of cooperation and assistance in this regard,

Reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Reaffirming that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence,

Recognizing that respect for and adherence to the principles of transparency, accountability and participation are critical factors in ensuring prudent use of returned illicit funds,

Recognizing also that fighting corruption at all levels is a priority and that flows of funds of illicit origin deprive Governments, in particular in developing countries, of resources required to progressively realize human rights, including economic, social and cultural rights, and in particular the right to development, in such a way that threatens the stability and sustainable development of States, undermines the values of democracy, the rule of law and morality and jeopardizes social, economic and political development, especially when an inadequate national and international response leads to impunity,

Recalling the United Nations Convention against Corruption, underlining its central role in fostering international cooperation to combat corruption and to facilitate the repatriation of the proceeds of corruption-related crimes, and stressing the need for universal adherence to the Convention and for its full implementation, and the full implementation of the resolutions and decisions of the Conference of the States Parties to the Convention, particularly those adopted at its fourth and fifth sessions,

Recalling also that the United Nations Convention against Corruption underlines that States parties should not decline to render mutual legal assistance, pursuant to the Convention, including on the ground of bank secrecy, and in accordance with the domestic law of the requested State,

Noting with concern that financial systems characterized by high levels of financial secrecy combined with low tax rates can play a role in attracting various kinds of illicit funds in a way that can lead to depriving countries of resources required to realize human rights, and to jeopardizing social, economic and political development,

Concerned that the relative amount of wealth from developing countries held abroad is much greater than that from developed countries, and that a significant amount of that wealth held offshore may involve illicit funds, *Welcoming* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[53] and the inclusion therein of target 16.4, which underlines the commitment of States to significantly reduce by 2030 illicit financial and arms flows, to strengthen the recovery and return of stolen assets and to combat all forms of organized crime,

Welcoming also the adoption by the Third International Conference on Financing for Development, held in Addis Ababa in July 2015, of the Addis Ababa Action Agenda,[54] which underlined, in particular, that measures to curb illicit financial flows will be integral to achieving sustainable development,

Affirming that making progress on the implementation of targets 16.4, 16.5 and 16.6 of the 2030 Agenda for Sustainable Development will make an important contribution not only to achieving various other goals included in the Agenda but also to the enjoyment of human rights, in particular economic, social and cultural rights,

Welcoming the convening of an experts meeting on the issue of the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, pursuant to Human Rights Council resolution 28/5,

Taking note of the work carried out by different United Nations bodies, including the United Nations Office on Drugs and Crime, and international and regional organizations in preventing and combating all forms of corruption,

Bearing in mind that the prevention and eradication of corruption is a responsibility of all States, and that States should cooperate with one another, in accordance with the United Nations Convention against Corruption, with the support and involvement of other stakeholders,

Encouraging all relevant United Nations mechanisms to continue their consideration of the negative impact of illicit financial flows on the enjoyment of human rights, to further explore policy responses to the phenomenon and to coordinate their efforts in this regard,

Recognizing that supportive domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

Appreciating the continued efforts of the Conference of the States Parties to the United Nations Convention against Corruption, through its various intergovernmental working groups, to oversee the review process of the implementation of the Convention, to advise on the provision of technical assistance for building institutional and human capacity in States parties for the prevention of corruption, and to enhance international cooperation, including in the repatriation of funds of illicit origin,

Taking note with appreciation of the Lausanne process initiative on practical guidelines for efficient asset recovery, developed by 30 States parties in close collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, which are aimed at providing effective and coordinated approaches to asset recovery for practitioners from requesting and requested States,

Affirming the responsibilities of requesting and requested States in the repatriation of funds of illicit origin, cognizant that countries of origin must seek repatriation as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that recipient countries, on the other hand, have a duty to assist and facilitate repatriation, including through judicial assistance, as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights,

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[53] General Assembly resolution 70/1.

[54] General Assembly resolution 69/313.

Recalling that the repatriation of funds of illicit origin requires the close and transparent coordination and cooperation of requesting and requested States, including between competent authorities, in particular the judicial authorities, within the shared responsibility to facilitate efficient international cooperation for the prompt recovery of assets of illicit origin,

Concerned at the difficulties, in particular the practical difficulties, that both requested and requesting States face in the repatriation of funds of illicit origin, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove, bearing in mind that everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law,

Recognizing that States continue to face challenges in recovering funds of illicit origin owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing that legal difficulties are often exacerbated by factual and institutional obstacles,

Asserting the urgent need to repatriate illicit funds to the countries of origin without conditionalities, in accordance with the United Nations Convention against Corruption and the commitments made at the 2005 World Summit and the 2010 high-level plenary meeting of the General Assembly on the Millennium Development Goals to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and urging all States to step up their efforts to trace, freeze and recover those funds,

Noting the particular concern of developing countries and countries with economies in transition regarding the need to return assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

1. *Takes note with appreciation* of the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development prepared by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;[55]

2. *Welcomes* the report of the High-level Panel on Illicit Financial Flows from Africa, which highlighted the gravity of the problem of illicit financial flows in the continent, ranging from $50 billion to $60 billion a year;

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[55] A/HRC/31/61.

3. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;

4. *Urges* requesting and requested States to cooperate to recover the proceeds of corruption, in particular, embezzled public funds, stolen assets and unaccounted-for assets, including those that are found in safe havens, and to demonstrate strong commitment to ensuring the return or disposal of such assets, including their return to the countries of origin;

5. *Calls upon* all States to consider enacting legislation to address offences by business enterprises, including multinational corporations, that deprive Governments of legitimate domestic sources of revenue for the implementation of their development agendas, in compliance with their international obligations, including international human rights law;

6. *Also calls upon* all States to seek to reduce opportunities for tax avoidance, to consider inserting anti-abuse clauses in all tax treaties and to enhance disclosure practices and transparency in both source and destination countries, including by seeking to ensure transparency in all financial transactions between Governments and companies to relevant tax authorities;

7. *Asserts* the urgent need to repatriate illicit funds to the countries of origin without conditionalities, taking into account due process, to strive to eliminate safe havens that create incentives for transfer abroad of stolen assets and illicit financial flows, and to strengthen regulatory frameworks at all levels;

8. *Encourages* requested State parties to respond to requests for assistance and to adopt such measures as may be necessary to enable them to provide a wider scope of assistance, pursuant to article 46 of the United Nations Convention against Corruption in the absence of dual criminality;

9. *Calls upon* all States to consider waiving or reducing to the barest minimum reasonable expenses deducted when recovering assets, particularly when the requesting State is a developing country, bearing in mind that the return of illicitly acquired assets contribute to the promotion of sustainable development;

10. *Acknowledges* the importance of full compliance with international human rights law in relation to the repatriation of funds of illicit origin;

11. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of adopting a human rights-based approach in the implementation of the Convention, including when dealing with the repatriation of funds of illicit origin, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of funds of illicit origin and to strengthen international cooperation in asset recovery;

12. *Notes with appreciation* the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and encourages coordination among existing initiatives;

13. *Notes* the importance of the International Monetary Fund and the World Bank publishing estimates of the volume and composition of illicit financial flows on an annual basis to monitor progress in implementing target 16.4 of the Sustainable Development Goals on illicit financial flows;

14. *Calls upon* States to continue to consider the establishment of an intergovernmental working group on the negative impact of illicit financial flows on the enjoyment of human rights, and to explore further policy responses to the phenomenon;

15. *Realizes* that, while illicit financial outflows from the least developed countries may account for only a small portion of all outflows of funds of illicit origin worldwide, they have a particularly negative impact on social development and the realization of social, economic and cultural rights in these countries, given the size of their economies;

16. *Underscores* that the repatriation of funds of illicit origin would provide States that are undergoing a democratization process with a further opportunity to improve the realization of economic, social and cultural rights and to fulfil their obligation to meet the legitimate aspirations of their peoples;

17. *Acknowledges* the important role that civil society can play in exposing corruption and drawing attention to the negative impact of the non-repatriation of funds of illicit origin on the rule of law and the realization of economic, social and cultural rights, and reiterates in this context the obligation of States to protect reporting persons in accordance with article 33 of the United Nations Convention against Corruption and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

18. *Welcomes* national initiatives to adopt anti-money-laundering legislation as an important step in the fight against corruption and the willingness demonstrated by some States to cooperate in facilitating the repatriation of funds of illicit origin, and calls for more robust regulations in this regard, including through the implementation of policies aimed at reducing the flow of funds of illicit origin, ensuring their repatriation and the provision of technical assistance to developing countries;

19. *Encourages* all States to share best practices in the freezing and recovery of funds of illicit origin;

20. *Calls for* further international cooperation through, inter alia, the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, in accordance with the principles of the United Nations Convention against Corruption, and in this regard encourages close cooperation at the national and international levels between anti-corruption agencies, law enforcement agencies and financial intelligence units;

21. *Calls upon* all States requested to repatriate funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, in accordance with the United Nations Convention against Corruption, and to make every effort to achieve the repatriation of funds of illicit origin to the countries of origin in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between competent agencies, in particular taking into account the risks of dissipation of those funds and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

22. *Calls upon* all States requesting the repatriation of funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

23. *Reaffirms* that it is the obligation of the State to investigate and prosecute corruption, calls upon all States to strengthen criminal proceedings directed at freezing or restraining funds of illicit origin, and encourages requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests, and in this context encourages requested States to provide information on legal frameworks and procedures to the requesting State and to remove barriers to asset recovery, including by simplifying their legal procedures;

24. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective remedies by victims in order to realize effective prevention of, and remedy for, business-related human rights harm, as set out in the Guiding Principles on Business and Human Rights;

25. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on best practices, practical experience and the lessons learned from past cases, while being mindful to seek to add value by building upon existing work in this area;

26. *Encourages* States parties to consider, where appropriate, and in accordance with national law, the opportunity of referring to the draft Lausanne guidelines for efficient recovery of stolen assets in their practice;

27. *Stresses* the need for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, calls upon States to seek appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of an efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

28. *Recalls* the importance of the mechanism for the review of implementation of the United Nations Convention against Corruption, and urges States parties to comply with their obligations in the conduct of country reviews to enhance effective implementation of the Convention as a preventive measure for the outflow of illicit financial flows;

29. *Invites* the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, to continue to consider the impact of illicit financial flows on the enjoyment of human rights as part of the mandate;

30. *Requests* the Advisory Committee of the Human Rights Council to conduct a comprehensive research-based study on the impact of flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, including economic, social and cultural rights, with a special emphasis on the right to development, with a view to compiling relevant best practices and main challenges, and to make recommendations on tackling those challenges based on the best practices in question, and to present a progress report on the requested study to the Human Rights Council at its thirty-sixth session for its consideration;

31. *Also requests* the Advisory Committee to seek, if necessary, further views and the input of Member States, relevant international and regional organizations, the United Nations High Commissioner for Human Rights and relevant special procedures, national human rights institutions and non-governmental organizations in order to finalize the above-mentioned study, taking into account, inter alia, the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development of the Independent Expert on the effects of foreign debt and other related international financial obligations of

States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

32. *Requests* the United Nations High Commissioner for Human Rights to provide all assistance and financial resources necessary to allow the Independent Expert to carry out the mandate set out in the present resolution, and calls upon all relevant stakeholders, including States and United Nations bodies and agencies, and other international and regional entities to cooperate fully with the Independent Expert in this regard;

33. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and the forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of the States Parties to the United Nations Convention against Corruption;

34. *Decides* to continue its consideration of this matter under the same agenda item.

64th meeting
24 March 2016

[Adopted by a recorded vote of 32 to 0, with 15 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Nigeria, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Albania, Belgium, France, Georgia, Germany, Latvia, Mexico, Netherlands, Panama, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

31/23. Promoting human rights through sport and the Olympic ideal

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments,

Recalling also the relevant provisions of the key international human rights treaties, in particular article 31 of the Convention on the Rights of the Child, articles 1 and 30 of the Convention on the Rights of Persons with Disabilities and articles 10 (g) and 13 (e) of the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling further the resolutions adopted by the General Assembly on the issue of sport and Olympic Games, in particular its resolutions 67/17 of 28 November 2012, 68/9 of 6 November, 69/6 of 31 October 2014 and 70/4 of 26 October 2015, the latter on building a peaceful and better world through sport and the Olympic ideal, in which the Assembly recognized the valuable contribution of sport in promoting education, development, peace, cooperation, solidarity, fairness, social inclusion and health at the local, regional and international levels, and noted that, as declared in the 2005 World Summit Outcome,[56] sports can contribute to an atmosphere of tolerance and understanding among peoples and nations,

Reaffirming its previous resolutions on the issue of sport and human rights, in particular resolutions 13/27 of 26 March 2010, 18/23 of 30 September 2011, 24/1 of 26 September 2013, 26/18 of 26 June 2014 and 27/8 of 25 September 2014,

Noting that the Olympic Charter, among its fundamental principles of Olympism, stipulates that every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play,

Recognizing the potential of sport as a universal language that contributes to educating people on the values of respect, dignity, diversity, equality, tolerance and fairness as a means to combat all forms of discrimination and to promote social inclusion for all,

Recognizing also that sport and major sporting events can be used to promote awareness, understanding and the application of the Universal Declaration of Human Rights,

Recognizing further the imperative need to engage women and girls in the practice of sport, and to enhance, to this end, their participation in sporting events at the national and international levels,

Acknowledging the potential of sport and major sporting events to educate the youth of the world and to promote their inclusion through sport practiced without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity,

Noting the Fundamental Principles of Olympism as enshrined in the Olympic Charter,

Acknowledging the joint endeavours of the International Olympic Committee, the International Paralympic Committee, the Office of the Special Adviser to the Secretary-General on Sport for Development and Peace and the United Nations system in such fields as human development, poverty alleviation, humanitarian assistance, health promotion, HIV and AIDS prevention, child and youth education, gender equality, peacebuilding and sustainable development,

Acknowledging also the importance of the Youth Olympic Games in inspiring youth through integrated sports and cultural and educational experiences, and noting in this regard the successful conclusion of the Second Youth Winter Olympic Games, held in Lillehammer, Norway, from 12 to 21 February 2016,

Reaffirming the need to combat discrimination and intolerance where they occur, within and outside the sporting context,

Recognizing that sport, the Olympic and Paralympic Games, and other international major sporting events, such as the International Federation of Association Football World Cup, can be used to promote human rights and strengthen universal respect for them, thus contributing to their full realization,

Acknowledging the valuable contribution that the appeal by the International Olympic Committee for an Olympic Truce, also known as *ekecheiria*, could make towards advancing the purposes and principles of the Charter of the United Nations,

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[56] General Assembly resolution 60/1

Acknowledging also the very important role of the media in the promotion and popularization of sport and in raising public awareness of the merits of practicing it as a key element of a healthy lifestyle, thus contributing to the enjoyment of the highest attainable standard of physical and mental health,

Acknowledging further that the media should be encouraged to report on how sport can translate into respect for human rights and promote social cohesion and acceptance of diversity and the values of sport, including integrity, teamwork, excellence, respect, tolerance, fair play and friendship,

Welcoming the hosting of the Olympic and Paralympic Games in the cities of Rio de Janeiro, PyeongChang, Tokyo and Beijing in 2016, 2018, 2020 and 2022 respectively, and stressing the opportunity to promote human rights, especially through sport and the Olympic ideal,

Recognizing the potential of sport and major sporting events in contributing to the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development[57] to fostering peace and sustainable development, and to the inclusion of persons with disabilities and the promotion of non-discrimination, taking into account the need to address and prevent improper practices of stakeholders engaged in the organization and preparation of sports events, which may lead to human rights violations and abuses and negatively affect the economic, social and environmental spheres,

Recalling the designation of 6 April as the International Day of Sport for Development and Peace, and encouraging the celebration of this day,

Being aware of the need to actively involve sport and the Olympics in achieving the full and equal enjoyment of all human rights by persons with disabilities, and respect for their inherent dignity, recognizing efforts made by the hosting countries to create a barrier-free environment for persons with disabilities, and stressing the need to continue to build on efforts made at the 2014 Winter Olympic Games in Sochi and the 2014 International Federation of Association Football World cup in Brazil,

Recognizing the need to reflect more thoroughly on the value of relevant principles enshrined in the Olympic Charter and good sporting example in achieving the universal respect for realization of all human rights,

Recognizing also the need to support the independence and autonomy of sport and to preserve integrity in sports in all aspects, through good governance of sport executive bodies and the effective and impartial implementation of anti-corruption, anti-doping and other relevant regulations, without prejudice to the human rights of athletes,

1. *Takes note with appreciation* of the final report of the Advisory Committee on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them,[58] and encourages States, national, regional and international sport organizations and other stakeholders to implement, as appropriate, its recommendations;

2. *Calls upon* States to cooperate with the International Olympic Committee and the International Paralympic Committee in their efforts to use sport as a tool to promote human rights, development, peace, dialogue and reconciliation during and beyond the period of the Olympic and Paralympic Games, in particular by observing the Olympic Truce;

3. *Encourages* States to promote sport as a means to combat all forms of discrimination;

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[57] General Assembly resolution 70/1.

[58] A/HRC/30/50.

4. *Invites* States and national, regional and international sports organizations to, where appropriate, implement new or strengthen existing programmes that provide more opportunities and facilitate barrier-free access to sport for all, in particular for children and youth, persons with disabilities, and women and girls, and substantially increase opportunities for women's participation and leadership in all areas of sport;

5. *Encourages* States and national, regional and international sports organizations to enhance human rights awareness and education, including the values of sport, of athletes, coaches and other sports officials;

6. *Calls upon* States to take effective measures to address vandalism and violence during and around sporting events, and to encourage national, regional and international sports organizations to contribute to that end;

7. *Welcomes* the cooperation among Member States, the United Nations and its specialized agencies, funds and programmes, the International Olympic Committee and the International Paralympic Committee to maximize the potential of sport to make a meaningful and sustainable contribution to the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, and encourages the Olympic and Paralympic movements to work closely with national, regional and international sports organizations on the use of sport for this purpose;

8. *Decides* to convene a panel discussion at its thirty-second session on the possibility of using sport and the Olympic ideal to promote human rights for all, including persons with disabilities;

9. *Also decides* to continue consideration of this issue in accordance with its programme of work.

64th meeting
24 March 2016

[Adopted without a vote.]

31/24. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolutions 28/23 of 28 March 2015 and 29/21 of 3 July 2015, and General Assembly resolution 70/233 of 23 December 2015,

Welcoming the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar and the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visit to the country from 3 to 7 August 2015, and the agreement to a visit in February 2016, which was subsequently postponed,

Recalling its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the continued positive developments in Myanmar towards political and economic reform, democratization, national reconciliation, good governance and the rule of law, and the efforts made to promote and protect human rights, and, while recognizing the scale of the reform effort undertaken to date, encourages the Government to take further steps to consolidate the progress made and to address outstanding issues;

2. *Also welcomes* the peaceful and competitive conduct of the elections held on 8 November 2015 and the efforts made towards ensuring a credible electoral process, while expressing concern over a number of shortcomings and the need for continued reforms to ensure that all the people of Myanmar, inclusive of religious and ethnic minorities, including the Rohingya minority, can participate in electoral processes and have their votes fully reflected in the overall composition of the Parliament;

3. *Further welcomes* the inauguration of the new Parliament on 1 February 2016 and the election of a new President on 15 March 2016, encourages the continued smooth and undisturbed transfer of power as significant steps towards democracy, and calls upon all actors to consolidate the democratic transition by bringing all national institutions, including the military, under a civilian government;

4. *Welcomes* the signing of the nationwide ceasefire agreement in October 2015, while calling for further steps towards national reconciliation, an end to violence and the pursuit of an inclusive and comprehensive national political dialogue, including efforts by the Government and the military to reach agreement with those ethnic groups that have not yet signed the ceasefire, and urging all actors to ensure effective participation of women, particularly from conflict-affected communities, in all decision-making and other activities with the objective of achieving lasting peace, and allow and facilitate rapid and unfettered humanitarian access to civilians in need throughout the country;

5. *Recalls* its serious concerns over human rights violations, including regarding the situation in Rakhine State and particularly with respect to persons belonging to religious and ethnic minorities, including the Rohingya minority, and urges the Government of Myanmar to repeal discriminatory legislative and policy measures, to lift restrictions on movement that impede access to health and education services, to intensify its efforts to address discrimination, to counter incitement to hatred and hate speech leading to violence, to promote equality, tolerance and peaceful coexistence in all sectors of society, and to address economic deprivation and displacement;

6. *Calls upon* the Government of Myanmar to take further steps to consolidate the progress made to end all remaining human rights violations, to protect the human rights of all, including of women, children and persons belonging to minorities, and to address outstanding concerns, in particular regarding the right to freedom of religion or belief and the right to freedom of expression, association and peaceful assembly, which are essential to ensure a safe and enabling environment, notably for civil society, journalists and human rights defenders who need to be recognized publicly for their instrumental role in the promotion and protection of human rights;

7. *Encourages* the Government of Myanmar to take further steps to strengthen democratic institutions, good governance and the rule of law, stresses the need for review and reform of legislation, including the Constitution, to ensure adherence with international norms and standards, and the need for a more independent, impartial and effective judiciary, and an independent and self-governing legal profession;

8. *Welcomes* the recent release of political prisoners, while urging the Government of Myanmar to fulfil its commitment unconditionally to release all political prisoners, in accordance with its obligation to ensure that no one remains in prison owing to his or her political beliefs or actions, including those recently detained or convicted, and to provide for the full rehabilitation of former political prisoners;

9. *Also welcomes* the recent steps towards the adherence to international human rights conventions, encourages the Government of Myanmar actively to consider the ratification of additional international human rights conventions and the optional protocols thereto, and calls for the full implementation of its obligations under international human rights law and international humanitarian law, and of other relevant agreements and commitments, including the commitment of the Government to open a country office of the

Office of the United Nations High Commissioner for Human Rights, with a full mandate and in accordance with the mandate of the High Commissioner;

10. *Calls upon* the international community to support the national efforts made by Myanmar and its institutions to strengthen the rule of law in the country, and to continue to support the Myanmar National Human Rights Commission, through technical assistance and capacity-building programmes, with a view to enabling it to contribute effectively to the promotion and protection of human rights, in accordance with the Paris Principles;

11. *Encourages* all business enterprises, including transnational corporations and domestic enterprises, to respect human rights in accordance with the Guiding Principles on Business and Human Rights, and calls upon the Government of Myanmar and the home States of business companies operating in Myanmar to fulfil their duty to protect human rights;

12. *Welcomes* the cooperation of the Government of Myanmar with the International Labour Organization, encourages the continued implementation of the memorandum of understanding for the elimination of the use of forced labour in Myanmar and its associated action plan, and the supplementary understanding containing the forced labour complaints mechanism, also encourages further cooperation with the Office of the High Commissioner and with all United Nations special procedures, and invites the international community to support the Government of Myanmar further, including through technical assistance and capacity-building, in the fulfilment of its international human rights obligations and commitments, the advancement of democratization and economic and social development;

13. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to submit a progress report to the General Assembly at its seventy-first session and to the Human Rights Council in accordance with its annual programme of work, and invites the Special Rapporteur to continue to monitor the situation of human rights, to measure progress in the implementation of the recommendations made by the Special Rapporteur, including those contained in her report submitted to the Council at its thirty-first session,[59] and to work with the Government of Myanmar to identify benchmarks for progress and priority areas for technical assistance and capacity-building;

14. *Welcomes* the ongoing cooperation with the Special Rapporteur, and calls upon the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and access throughout the country;

15. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with the assistance and resources necessary to enable her to discharge the mandate fully.

64th meeting
24 March 2016

[Adopted without a vote.]

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[59] A/HRC/31/71.

31/25. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 70/91 of 9 December 2015, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that it withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[60] and in this connection deploring the Israeli settlements in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolution 28/24 of 27 March 2015,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan "Come to the Golan" and referred to as the "farms project", and to desist from changing the physical character, demographic

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[60] A/70/406 and Corr.1.

composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;[60]

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 29 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its thirty-fourth session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its thirty-fourth session.

64th meeting
24 March 2016

[Adopted by a recorded vote of 31 to 0, with 16 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mexico, Mongolia, Morocco, Namibia, Nigeria, Panama, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Albania, Belgium, Botswana, France, Georgia, Germany, Latvia, Netherlands, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland]

31/26. Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012, 22/31 of 22 March 2013, 25/34 of 28 March 2014 and 28/29 of 27 March 2015, and General Assembly resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012, 68/169 of 18 December 2013, 69/174 of 18 December 2014 and 70/157 of 17 December 2015,

Reaffirming further the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his or her choice and freedom, either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching,

Reaffirming also the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

Reaffirming that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming also that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Reaffirming the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world, *Deploring* any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, and any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity and interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education are an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Taking note of General Assembly resolution 68/127 on a world against violence and violent extremism, adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, and the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week, proposed by King Abdullah II of Jordan,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and taking note of the recent initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme "United in diversity" and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, and programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence, and of negative stereotyping of individuals on the basis of religion or

belief, continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of experts' meetings held in Washington, D.C., London, Geneva, Doha and Jeddah, in the framework of the Istanbul Process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, and the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that the open, public debate of ideas, and interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that continuing dialogue on these issues can help to overcome existing misperceptions;

7. *Notes* the speech given by the Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws on his call upon States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(*a*) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(*b*) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(*c*) Encouraging the training of government officials in effective outreach strategies;

(*d*) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter these causes;

(*e*) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(*f*) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(*g*) Understanding the need to combat denigration and negative religious stereotyping of persons, and incitement to religious hatred, by strategizing and harmonizing actions at the local, national, region and international levels through, inter alia, education and awareness-building;

(*h*) Recognizing that the open, constructive and respectful debate of ideas, and interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(*a*) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

(*b*) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(*c*) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(*d*) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the High Commissioner pursuant to Human Rights Council resolution 25/34 summarizing the contributions received from States,[61] and also takes note of the conclusions of the report based on those contributions;

12. *Stresses* the urgent need to implement all parts of the action plan outlined in paragraphs 7 and 8 above with equal focus and attention in order to address religious intolerance;

13. *Requests* the High Commissioner to prepare and submit to the Human Rights Council at its thirty-fourth session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 above, and views on potential follow-up measures for further improvement of the implementation of that plan;

14. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

64th meeting
24 March 2016

[Adopted without a vote.]

31/27. Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

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[61] A/HRC/28/47.

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Recalling all previous relevant Human Rights Council resolutions on Libya,

Reaffirming that those responsible for violations or abuses of human rights and violations of international humanitarian law and who commit acts of terrorism should be held accountable, and that counter-terrorism measures must be consistent with applicable international law,

Expressing concern at the impact of the security and political crisis and of terrorism on the people of Libya, including loss of life, mass displacement and its particular impact on women and children, damage to property and infrastructure, including schools and hospitals, the use of schools as military bases and shortages of medical supplies and treatment,

Expressing concern also at the impact of the security and political crises and of terrorism on migrants, in particular the increase in the number of deaths of migrants attempting to cross the Mediterranean,

Welcoming the Rome Communiqué of 13 December 2015, endorsed by the Security Council in its resolution 2259 (2015) of 23 December 2015, and the commitment of the participating Member States to provide technical, economic, security and counter-terrorism assistance to Libya,

Expressing full support for the efforts led by the Special Representative of the Secretary-General for Libya to facilitate a Libyan-led political solution to the challenges facing Libya,

Underscoring the importance of the equal and full participation of all parts of Libyan society, including women and youth, in the political process,

1. *Welcomes* the signing on 17 December 2015 of the Libyan Political Agreement of Skhirat, Morocco, by the majority of the Libyan delegates to the political dialogue facilitated by the United Nations, and by a wide range of representatives of Libyan society, municipal leaders and heads of political parties, as an important step towards peace and reconciliation in Libya, and welcomes the endorsement in principle of the Libyan Political Agreement by the House of Representatives on 25 January 2016;

2. *Reiterates* its support for the ongoing deliberations of the security track of the political dialogue facilitated by the United Nations to finalize security arrangements, and urges existing militias and armed groups to respect the Libyan Political Agreement of 17 December 2015;

3. *Calls upon* the Government of National Accord to fully implement the political agreement, including the security arrangements, and to make progress towards arms control and the reintegration into the community of the armed groups currently operating outside government control;

4. *Emphasizes* the importance of the Government of National Accord exercising control over and safely storing arms in Libya, with the support of the international community;

5. *Condemns* all violations and abuses of human rights and violations of international humanitarian law, including those involving unlawful killings, indiscriminate

shelling and attacks on civilians, abductions and assassinations, including of government officials and judges, the shelling of hospitals and the looting of property;

6. *Also condemns* all violations and abuses committed against journalists, media activists and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

7. *Strongly urges* all parties immediately to cease violations and abuses of human rights and international humanitarian law and to engage fully in support of the Government of National Accord, in order to avert further deterioration in the humanitarian crisis suffered by Libyans as a result of the conflict and to prevent the further erosion of the sovereignty and security of Libya, and urges all leaders to declare that violations and abuses of human rights by their fighters will not be tolerated and that individuals suspected of such acts will be removed from duty;

8. *Strongly urges* the Government of Libya to investigate all violations and abuses of human rights, to hold those responsible to account and to guarantee fair trials for the accused;

9. *Calls for* those responsible for violations or abuses of international human rights law and violations and abuses against children to be held accountable, in accordance with international standards;

10. *Calls upon* the Government of Libya to increase efforts to end impunity, and takes note of its cooperation with the International Criminal Court to ensure that those responsible for violations of human rights and international humanitarian law, including attacks targeting civilians, are held accountable;

11. *Strongly condemns* practices such as abduction, hostage-taking, incommunicado detention, abuse and killings carried out by non-State armed groups, most notably the so-called Islamic State in Iraq and the Levant (Daesh), Ansar al-Sharia and other terrorist organizations in Libya, and underlines that murder, torture and severe deprivation of physical liberty in violation of international law are predicate acts that may in certain circumstances amount to crimes against humanity, while reiterating grave concern about the negative impact of the presence of Daesh and its deadly actions in Libya, neighbouring States and the region;

12. *Calls upon* all Libyans to unite in combating terrorism in the country, and urges all Member States to cooperate actively in this regard with the Government of Libya and to provide support as requested;

13. *Expresses grave concern* at the number of conflict-related detainees, including children, and at reports of torture and sexual and gender-based violence in detention centres, and calls upon the Government urgently to establish full and effective control over all detention centres in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

14. *Calls upon* the Government of Libya to promote, protect and respect the human rights of migrants, refugees and internally displaced persons, and to provide a framework for the engagement of the Office of the United Nations High Commissioner for Refugees in Libya;

15. *Expresses deep concern* at the deteriorating humanitarian situation in Libya, and calls upon the international community to provide financial support for the United Nations humanitarian response plan for Libya for the period 2015-2016 to address the needs of 2.4 million people;

16. *Calls for* rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies, their implementing partners and other humanitarian organizations,

including across conflict lines and, as appropriate, across borders, in order to ensure that humanitarian assistance reaches people in need by the most direct routes;

17. *Urges* the Libyan authorities to expedite the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with applicable law;

18. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, and calls upon all parties fully to respect international law;

19. *Recognizes* the security, political and economic challenges faced by the Government of Libya, which have been exacerbated by armed conflict;

20. *Urges* the Government of Libya, the international community, the United Nations and all parties to the conflict to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in line with relevant Security Council resolutions, including resolutions 1325 (2000) and 2122 (2013);

21. *Urges* the Libyan Constitutional Assembly to intensify its efforts to complete a draft constitution that protects the human rights of all, including women and members of all communities and people living under vulnerable conditions, and to ensure the participation of all members of society, including civil society organizations, as far as possible, in the process of drafting the constitution;

22. *Emphasizes* the importance of ensuring a peaceful, inclusive and sustainable democratic transition through a broad-based and inclusive national dialogue, and that, in the context of an inclusive and credible dialogue, the Libyan people should determine the appropriate process and mechanisms for achieving justice, reconciliation, truth and accountability for gross violations and abuses committed since 2011 and under the former regime, and reparations and effective remedies for victims;

23. *Recognizes* the ongoing human rights challenges in Libya and strongly encourages the Government of Libya to increase its efforts to protect and promote human rights and prevent any violations or abuses, and in this regard calls upon the international community to provide assistance for Libyan efforts to establish the rule of law, due process and access to justice, including through capacity-building in the justice system to enable effective accountability;

24. *Also recognizes* the efforts made by States in tracing, freezing and recovering stolen assets and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential contribution of these assets to improving security, development and the protection of human rights in Libya;

25. *Welcomes* the successful completion by Libya of, and its constructive engagement with, the universal periodic review in its two first cycles, and looks forward to the implementation of the accepted recommendations;

26. *Also welcomes* the open invitation that the Government of Libya has extended to all special procedures and looks forward to the visits of mandate holders to the country;

27. *Further welcomes* the commitment of the Government of Libya to human rights and its continued cooperation with the Human Rights Council and its mechanisms, including the wish expressed by the Government to continue its cooperation with the United Nations High Commissioner for Human Rights, and to renew its invitation for him to visit Libya, and urges the Government:

(*a*) To intensify efforts to prevent acts of torture, to investigate all allegations of torture, to hold those responsible to account, and to consider providing fair and adequate compensation for victims;

(*b*) To take immediate steps to protect freedom of expression, ensuring that the media can operate freely and without discrimination, to review the provisions of the Penal Code and other provisions that violate freedom of expression, and to abolish all Penal Code restrictions on free speech that stipulate imprisonment and the death penalty for "insults" to officials, the judiciary and the State for "slander" and for blasphemy;

(*c*) To make further progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*d*) To promote the continued operation of the National Council for Civil Liberties and Human Rights, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(*e*) To empower women and girls further, including by ensuring their full representation in politics, the police and the judiciary;

(*f*) To ensure the protection of cultural rights and freedom of religion and belief, in accordance with its international obligations;

(*g*) To take appropriate steps to help to prevent all attacks on and destruction of cultural and religious sites in violation of international law, particularly sites on the World Cultural and Natural Heritage List of the United Nations Educational, Scientific and Cultural Organization, and to prosecute those responsible for such attacks;

(*h*) To take further steps to guarantee freedom of association and peaceful assembly, including by reviewing the articles of the Penal Code that undermine freedom of association and by adopting a law for civil society organizations that is in accordance with international standards on freedom of association, that ensures the protection of human rights defenders and that includes only legal limitations that comply with the international treaty obligations of Libya;

28. *Takes note* of the final report of the International Commission of Inquiry on Libya,[62] and encourages the Government of Libya to implement fully the recommendations contained therein;

29. *Underlines* the importance of, and the commitment of the Government of Libya to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

30. *Takes note with appreciation* in this regard of the report of the Office of the United Nations High Commissioner for Human Rights on the investigation by the Office on Libya presented to the Human Rights Council at its thirty-first session on violations and abuses of international human rights law that have been committed in Libya since the beginning of 2014,[63] which reported the facts and circumstances of such abuses and violations, with a view to avoiding impunity and ensuring full accountability;

31. *Urges* the Government of Libya to implement the recommendations addressed to it in the above-mentioned report, in particular those relating to the justice sector, transitional justice and criminal justice accountability measures;

32. *Requests* the Office of the High Commissioner to continue its close engagement with the United Nations Support Mission in Libya in order to provide coordinated human rights technical assistance to the Government of Libya;

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[62] A/HRC/19/68.

[63] A/HRC/31/47.

33. *Requests* the High Commissioner to present an oral update to the Council at its thirty-third session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General For Libya, on the situation of human rights in Libya, including steps taken by the Government of Libya towards ensuring accountability for human rights violations and abuses, in line with the present resolution, and the contribution and effectiveness of technical assistance to this end;

34. *Also requests* the High Commissioner to present a written report to the Council at its thirty-fourth session during an interactive dialogue on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity-building measures received by the Government of Libya, and an assessment of further technical support or assistance needed to implement the present resolution and the recommendations contained in the report of the Office of the High Commissioner on the investigation by the Office on Libya to address the situation of human rights in Libya;[63]

35. *Urges* the international community to support the Government of Libya in promoting and protecting the human rights of the Libyan people.

64th meeting
24 March 2016

[Adopted without a vote.]

31/28. Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012 on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of Independent Expert on the situation of human rights in Mali, and 25/36 of 28 March 2014, in which it extended the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned about the establishment of terrorist groups in the Sahel region, the continued armed attacks in the north and the spread of terrorist and other criminal activities in the central and southern parts of Mali,

Deeply concerned also about human rights violations and abuses in Mali, and about the fragile security situation and the difficulties in the redeployment of government services, which continue to hinder humanitarian access in the northern part of the country, the voluntary return of displaced people and the access of the population to basic social services, *Welcoming* the signing of the Agreement on Peace and Reconciliation in Mali by all parties on 15 May and 20 June 2015, following an inclusive process led by Algeria and international mediation, and the establishment of a monitoring committee and its branches,

Welcoming also the progress made and actions taken by the Government of Mali on all aspects of the Agreement, including the establishment of a national committee for implementation,

Encouraging the presentation by the Government of Mali of a plan of action for the implementation of the Agreement, with a precise timetable,

Welcoming the holding of and the commitments made at the international conference for the economic recovery and development of Mali, held on 22 October 2015 in Paris, which contributed to keeping the international community mobilized for the implementation of the Agreement and the development of the northern regions of Mali,

Noting the commitments made by the Government of Mali during various sessions of the Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitments made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Noting further the initiation in January 2013 of an investigation by the Prosecutor of the International Criminal Court into crimes committed on the territory of Mali since January 2012, noting the transfer to the Court on 26 September 2015, in the context of this investigation, of a person suspected of war crimes, and recalling that it is important for all Malian stakeholders to lend the Court their support and cooperation,

Taking note with appreciation of the report of the Independent Expert on the situation of human rights in Mali,[64]

1. *Strongly condemns* the armed attacks and all acts of violence that have been perpetrated in Mali since the beginning of the crisis, particularly in the northern regions of the country, and the violations and abuses of human rights and violations of international humanitarian law that have been committed, in particular against women and children, and the recruitment of the latter;

2. *Reiterates* its call for an immediate halt to all such human rights violations and abuses and acts of violence, and for the strict observance of all human rights and fundamental freedoms;

3. *Calls upon* the Government of Mali to continue and to increase its efforts to protect human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

4. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali and national reconciliation to maintain a constructive dialogue and to implement fully all provisions, including those relating to the disarmament, demobilization and reintegration of former rebel fighters, the redeployment of Malian armed forces on the whole territory and decentralization;

5. *Encourages* the efforts of the Government of Mali to bring all perpetrators of human rights violations before impartial and independent courts, and its continued cooperation with the International Criminal Court;

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[64] A/HRC/31/76.

6. *Reiterates* its call for an increase in the participation of women in the national reconciliation process, in conformity with relevant Security Council resolutions;

7. *Welcomes* the operationalization of the Commission for Truth, Justice and Reconciliation, and encourages the Government of Mali to ensure its full independence;

8. *Encourages* the Malian authorities and all regional and international actors to continue their efforts to consolidate the progress made in the peace and security situation in Mali;

9. *Commends in this context* the United Nations Multidimensional Integrated Stabilization Mission in Mali on its work, calls for its greater involvement in the coordination operational mechanism and the cantonment process, and calls upon all parties to continue to coordinate fully their actions with the Mission, in particular for the implementation of the peace agreement;

10. *Requests* all parties to ensure their strict observance of international human rights law and international humanitarian law;

11. *Reiterates* its appreciation for the humanitarian assistance already provided to members of the population affected by the crisis, and urges the international community to continue to deliver, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons, particularly in the north of Mali, with a view to facilitating access by the population to basic social services and to establishing the conditions for the gradual recovery of the country;

12. *Notes with satisfaction* the close cooperation of the Government of Mali with the Independent Expert in the fulfilment of the mandate entrusted to him;

13. *Welcomes* the organization of free and democratic presidential and legislative elections in Mali and the full restoration of constitutional order in the country;

14. *Acknowledges* the commitments made by the Government of Mali to act upon the recommendations made by the Independent Expert following his visits to the country;

15. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year, from the thirty-first to the thirty-fourth session, to permit the evaluation of the situation of human rights in Mali and to assist the Government of Mali in its efforts to promote and protect human rights and to strengthen the rule of law;

16. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him in carrying out his mandate;

17. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned, and with Malian civil society;

18. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its thirty-fourth session;

19. *Decides* to hold an interactive dialogue at its thirty-fourth session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the evolution of the situation of human rights in the country, with a particular focus on justice and reconciliation;

20. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

21. *Requests* the High Commissioner to provide technical assistance to the Government of Mali, in particular to the Commission for Truth, Justice and Reconciliation, and to work with the Government to identify other areas of assistance with a view to supporting Mali in its efforts to promote and protect human rights and to strengthening its institutional capacity;

22. *Urges* the international community to continue to provide assistance to Mali to ensure its stability with a view to promoting respect for all human rights and the determined struggle against impunity, which paves the way for national reconciliation, peace and social cohesion;

23. *Decides* to remain seized of this matter.

64th meeting
24 March 2016

[Adopted without a vote.]

31/29. Strengthening technical cooperation and advisory services for Guinea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant instruments on human rights,

Recalling General Assembly resolution 60/251 of 15 March 2006, and Council resolutions 13/21 of 26 March 2010, 16/36 of 25 March 2011, 19/30 of 23 March 2012, 23/23 of 14 June 2013, 25/35 of 28 March 2014 and 28/33 of 27 March 2015,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments on human rights to which they are party,

Welcoming the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea,[65] in which he highlighted the progress made by the country in promoting and protecting human rights and fundamental freedoms and reforming the justice sector,

Noting with satisfaction the efforts made by Guinea and Guineans, with the support of the international community, particularly the African Union and the Economic Community of West African States, with regard to the establishment of democratic institutions and strengthening of the rule of law,

Welcoming the progress made by the Guinean authorities in consolidating the freedoms of opinion and expression,

Recalling the recommendations made by the Commission of Inquiry established by the Secretary-General and supported by the African Union and the Economic Community of West African States,

Recalling also that it is the first responsibility of the Government of Guinea to protect its population, to conduct investigations into allegations of violations and abuses of human rights and violations of international humanitarian law and to bring those responsible to justice,

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[65] A/HRC/31/48.

1. *Acknowledges* the efforts made by the Government of Guinea to strengthen the rule of law and to improve the situation of human rights in the country;

2. *Welcomes* the mainstreaming of human rights in the reform of the security sector;

3. *Encourages* the Guinean authorities to continue their efforts to mainstream human rights into all government policies and to bring national legislation fully into line with the international commitments of Guinea;

4. *Calls upon* the Guinean authorities to continue their efforts to consolidate freedom of peaceful assembly and association and freedom of expression, including freedom of the media and protection of journalists and media workers, and notes in this respect the establishment of the High Communications Authority;

5. *Welcomes* the start of the national consultation process for reconciliation, and calls upon the Guinean authorities to make the process of justice, truth and reconciliation fully operational;

6. *Strongly reaffirms* its commitment to accession to power through democratic channels, and condemns all incitement to ethnic and/or racial hatred;

7. *Welcomes* the holding in October 2015 of fair presidential elections, and calls upon the Government of Guinea to consolidate the democratic electoral framework, particularly in view of the upcoming municipal and local elections, in line with the inter-Guinean political agreement of 20 August 2015;

8. *Urges* all political actors to continue to engage actively and in good faith in the political dialogue, and to be actively involved in the process of national reconciliation;

9. *Encourages* the Government of Guinea to make operational the national commission for reflection and prevention created in 2013 to tackle the phenomenon of violence;

10. *Welcomes* the efforts made by the Government of Guinea within the framework of the reform of the security and defence forces, which includes respect for human rights and guarantees the exercise of civil and political rights, and calls upon the Government to continue the training of security forces in the field of human rights;

11. *Also welcomes* the progress made within the framework of the reform of the justice sector and the strengthening of the rule of law, including the establishment of the Supreme Judicial Council, the improvement in working conditions for judges, the creation of the Constitutional Court and the establishment of the Court of Auditors;

12. *Encourages* the Government of Guinea to adopt and to implement reforms to strengthen the administration of justice in order to combat impunity and to consolidate respect for human rights;

13. *Calls upon* the Government of Guinea to ensure that the national institution of human rights is established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

14. *Encourages* the Government of Guinea to continue its efforts in the fight against impunity, particularly court proceedings initiated with respect to alleged violence by security forces, including in 2007 and 2013;

15. *Urges* the Government of Guinea to take the following additional measures:

(*a*) To support the work of the panel of judges appointed to investigate the events of 28 September 2009 and to speed up judicial proceedings against those responsible for the violence, including acts of sexual violence committed against women and young girls;

(*b*) To ensure that the panel of judges is provided with the means and security conditions necessary to enable it to fulfil its mandate effectively;

(*c*) To ensure the organization and conduct of the trial relating to the events of 28 September 2009;

(*d*) To ensure the security and protection of witnesses and victims, and to provide them with appropriate assistance and reparation, including in the form of medical aid and psychological support;

(*e*) To compensate the families of victims who died as a result of the events of 28 September 2009, and to provide reparations to the injured for physical and psychological suffering inflicted upon them;

16. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea;

17. *Strongly reiterates* its call upon the international community:

(*a*) To provide the Government of Guinea with appropriate assistance to promote respect for human rights, the fight against impunity and reform of the security and justice sector, and ongoing initiatives to promote truth, justice and national reconciliation;

(*b*) To support the Office of the United Nations High Commissioner for Human Rights in Guinea;

18. *Invites* the High Commissioner to report to the Council at its thirty-fourth session on the evaluation of the situation of human rights and the activities of the Office of the High Commissioner in Guinea;

19. *Decides* to organize, at its thirty-fourth session, an interactive dialogue in the presence of all interested parties on the implementation of the present resolution, with particular emphasis on the fight against impunity;

20. *Also decides* to remain seized of this matter.

64th meeting
24 March 2016

[Adopted without a vote.]

31/30. Effects of terrorism on the enjoyment of all human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning terrorism, including Assembly resolutions 46/51 of 9 December 1991, 60/158 of 16 December 2005, 60/288 of 8 September 2006, 64/297 of 8 September 2010, 66/10 of 18 November 2011 on the United Nations Counter-Terrorism Centre established on the initiative of the United Nations and Saudi Arabia, 68/178 of 18 December 2013, 68/276 of 13 June 2014, 69/127 of 10 December 2014 and 70/148 of 17 December 2015, Commission resolution 2004/44 of 19 April 2004, and Human Rights Council resolutions on terrorism and human rights, including 28/17 of 26 March 2015, *Reaffirming* its commitment to the United Nations Global Counter-Terrorism Strategy and its four pillars, adopted by the General Assembly in its resolution 60/288,

Reaffirming also the right of the people to live in peace, freedom and security and their right to be protected at all times from the threat of terrorism,

Reaffirming further that everyone has the right to life, liberty and security of person,

Reaffirming that civil, political, economic, social and cultural rights are universal, indivisible, interdependent and interrelated, as enshrined in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recognizing that the objectives of countering terrorism and of the protection and promotion of human rights are not conflicting but complementary and mutually reinforcing,

Reaffirming the fundamental importance of respecting all human rights and fundamental freedoms and the rule of law,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international human rights law and international humanitarian law, as applicable,

Taking note of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, submitted to the Human Rights Council at its twenty-ninth session,[66]

Welcoming the holding of a panel discussion on the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms at the twenty-ninth session of the Human Rights Council, and taking note of the summary report of the Office of the United Nations High Commissioner for Human Rights thereon,[67]

Renewing its unwavering commitment to strengthening international cooperation to prevent and combat terrorism in all its forms and manifestations,

Recognizing that international cooperation and any measures taken by Member States to prevent and combat terrorism must fully comply with their obligations under international law, including the Charter, in particular the purposes and principles thereof, and other relevant international conventions and protocols, in particular human rights law and international humanitarian law, as applicable,

Emphasizing that mutual respect, tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding are among the most important elements in promoting cooperation and success in preventing and combating terrorism, and welcoming the various initiatives to this end,

Reaffirming its strongest condemnation of the heinous acts of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of motivation, as criminal and unjustifiable acts that have detrimentally affected the enjoyment of human rights and fundamental freedoms, such as the right to life, liberty and security of person, thus impeding the full realization of economic, social and cultural rights, threatening the territorial integrity and security of States, rule of law and democracy, and destabilizing Governments, and ultimately representing a grave threat to the functioning of societies and to international peace and security,

Acknowledging the important contribution of measures taken at all levels against terrorism, consistent with international law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, and the need to continue the fight against terrorism, including through international cooperation and by strengthening the role of the United Nations in this respect,

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[66] A/HRC/29/51.

[67] A/HRC/30/64.

Expressing its continuing concern at the increasing flow of foreign terrorist fighters and at the threat it poses to all States, including countries of origin, transit and destination, encouraging all States to address this threat by enhancing their cooperation and developing relevant measures to prevent and tackle this phenomenon, including information-sharing, border management to detect travel, and appropriate criminal justice response, and to consider the use of United Nations instruments and mechanisms, and sanctions regimes,

Reiterating that all States should fulfil their responsibilities in denying all forms of support, for terrorists and terrorist groups, particularly political, military logistical and financial support, including through collecting funds by their nationals or persons in their territories, or availing financial assets, directly or indirectly, for the benefit of, or with the intention that the funds be used by, or with the knowledge that they are to be used by, terrorist groups or individual terrorists for any purpose, and deny providing safe haven and to prevent terrorists from benefiting directly or indirectly from ransom payments to terrorist groups, and to bring to justice or, where appropriate, extradite, on the basis of the principle of extradite or prosecute, the perpetrators of terrorist acts or any person who supports, facilitates or participates, or attempts to participate, in the financing, planning, preparation or perpetration of terrorist acts or in providing safe havens,

Welcoming political commitments, actions and initiatives taken and adopted against kidnapping for ransom in different forums, such as the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists,

Deeply concerned at the serious crimes committed by terrorist groups and individuals, including foreign terrorist fighters, that have targeted persons and groups on the basis of their ethnic and religious background and involved gross human rights abuses,

Deploring attacks on religious places and shrines and cultural sites, which may violate international law, in particular human rights and international humanitarian law, including any deliberate destruction of relics, monuments and religious sites,

Recalling its resolution 16/18 of 24 March 2011 and its follow-up resolutions, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and calling for their effective implementation by the international community in order to contribute to a more conducive environment to countering the messages of extremist groups attempting to justify violence, including through ethnic or religious stigmatization and discrimination,

Affirming States' determination to work towards conflict resolution, to confront oppression, to eradicate poverty, to promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and the rule of law, to improve intercultural understanding and to ensure respect for all,

1. *Strongly condemns* all terrorist acts as criminal and unjustifiable, and expresses grave concern at their detrimental effects on the enjoyment of human rights, including the right to life, liberty and security of person, as stipulated in article 3 of the Universal Declaration of Human Rights;

2. *Expresses its concern* that terrorists and terrorist groups have targeted population segments and regions, and in some cases on the basis of religion and/or ethnicity of specific individuals and communities;

3. *Reaffirms* the primary responsibility of States in preventing and countering terrorism in all its forms and manifestations in the territory under their jurisdiction, in full compliance with their international law obligations;

4. *Urges* States, while countering terrorism, to respect and protect all human rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of those rights;

5. *Expresses concern* at the increase in kidnapping and hostage-taking with demands for ransom and/or political concessions being made by terrorist groups, and expresses the need to address this issue;

6. *Reiterates* the obligation of States to prevent and suppress the financing of terrorist acts, including ransom payment, and to criminalize the wilful provision or collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds be used, or with the knowledge that they are to be used, to carry out terrorist acts;

7. *Encourages* States to refrain from supporting terrorist groups in establishing propaganda platforms, such as electronic or satellite platforms or any other media, on their territory for disseminating hatred or instigation;

8. *Urges* States to take appropriate measures to duly investigate the incitement, preparation or commission of acts of terrorism, and to bring to justice those engaged in such acts in accordance with national criminal laws and procedures and international human rights law, as applicable;

9. *Also urges* States to adopt rehabilitation and reintegration strategies for returning foreign terrorist fighters, in line with the good practices set out in the Hague — Marrakech Memorandum of the Global Counterterrorism Forum, and to adopt a comprehensive approach that includes the development of national centres for counsel and de-radicalization that can play an important role along with criminal justice responses, and in this regard welcomes the role of the Mohamed bin Naif Counselling and Care Centre in countering terrorist ideologies and activities;

10. *Expresses its concern* at the increasing use, in a globalized society, by terrorists and their supporters of information and communications technology, in particular the Internet and other media, to advocate, commit, incite, recruit for, fund or plan terrorist acts, urges States to take appropriate preventive measures in this regard while acting in full compliance with their international law obligations, and emphasizes the importance of cooperation among stakeholders in the implementation of the United Nations Global Counter-Terrorism Strategy, including among States, international, regional and subregional organizations, the private sector and civil society, to address this issue, while respecting human rights and fundamental freedoms and complying with international law and the purposes and principles of the Charter of the United Nations, and reiterates that such technologies can be powerful tools in countering the spread of terrorism, including by promoting tolerance, mutual respect and dialogue and understanding among peoples and peace, and in this regard notes with appreciation the constructive role played by the Cyber Observatory of Takfiri Fatwas in Egypt;

11. *Renews* its commitment to strengthening international cooperation to prevent and counter terrorism in accordance with the principles of international law, including the Charter, international human rights law and international humanitarian law, including through technical cooperation and capacity-building, and in that regard calls upon States and relevant regional and subregional organizations, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars;

12. *Calls upon* all States to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious

values, beliefs and cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society;

13. *Expresses its solidarity* with the victims of terrorism and their families, and acknowledges the importance of protecting their rights and of providing them with proper support and assistance, while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in such a way that promotes accountability and ends impunity, in accordance with international law, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

14. *Encourages* States to provide appropriate assistance and rehabilitation for victims of terrorism in accordance with relevant national laws from within available resources;

15. *Urges* States and the international community to take measures, including through education, awareness-raising, the media and human rights education and training, to effectively address the conditions conducive to the spread of terrorism and that make individuals and groups more vulnerable to the effects of terrorism and to recruitment by terrorists;

16. *Invites* all treaty bodies, special procedure mandate holders, international and regional human rights mechanisms and the United Nations High Commissioner for Human Rights, within their respective mandates, to pay due attention to the negative impact of terrorism on the enjoyment of all human rights and fundamental freedoms;

17. *Requests* the High Commissioner to prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, particularly the right to life, liberty and security of person, while paying particular attention to best practices and major challenges in this regard, and to present the report to the Human Rights Council at its thirty-fourth session.

64th meeting
24 March 2016

[Adopted by a recorded vote of 28 to 14, with 5 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Maldives, Morocco, Nigeria, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Albania, Belgium, France, Germany, Latvia, Mexico, Netherlands, Portugal, Republic of Korea, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Georgia, Kyrgyzstan, Mongolia, Namibia, Panama]

31/31. Torture and other cruel, inhuman or degrading treatment or punishment: safeguards to prevent torture during police custody and pretrial detention

The Human Rights Council,

Recalling all resolutions on torture and other cruel, inhuman or degrading treatment or punishment adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Recognizing that law enforcement officials play a vital role in the protection of the right to life, liberty and security, as enshrined in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights,

Recognizing also the role of law enforcement officials in serving the community and protecting all persons against acts of torture and other cruel, inhuman or degrading treatment or punishment, consistent with the important role of their profession, and that, in the performance of their duty, law enforcement officials are obligated to respect and protect the human rights of all persons,

Recalling the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[68] and the adoption of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),[69]

Recalling also that accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication,

Recalling further article 11 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, according to which each State party shall keep under systematic review interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture,

Mindful of existing principles, guidelines and standards relevant to interrogation, including the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, and also mindful of the Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, adopted by the African Commission on Human and Peoples' Rights, the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, adopted by the Inter-American Commission on Human Rights, and the revised standards for law enforcement agencies, issued by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

1. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

2. *Urges* all States that have not yet become a party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to do so, and to

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[68] General Assembly resolution 65/229, annex.

[69] General Assembly resolution 70/175, annex.

give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority;

3. *Welcomes* the Convention against Torture Initiative, launched in March 2014 on the thirtieth anniversary of the adoption of the Convention, to achieve the universal ratification and improved implementation of the Convention by 2024, and related regional initiatives on the prevention and eradication of torture;

4. *Urges* States to adopt, implement and comply fully with legal and procedural safeguards against torture and other cruel, inhuman or degrading treatment or punishment, and to ensure that the judiciary, and where relevant the prosecution, can effectively ensure compliance with such safeguards;

5. *Stresses* that effective legal and procedural safeguards for the prevention of torture and other cruel, inhuman or degrading treatment or punishment include ensuring that any individual arrested or detained on a criminal charge is brought promptly before a judge or other independent judicial officer, and permitting prompt and regular medical care and legal counsel at any stage of detention and visits by family members;

6. *Also stresses* the obligation of States to ensure that anyone who is arrested is informed at the time of arrest of the reasons for the arrest, and is promptly informed of any charges against him or her in accessible forms of communication, including in a language that he or she understands, and be provided with information about and an explanation of his or her rights;

7. *Calls upon* States in the context of criminal proceedings to ensure access to lawyers from the outset of custody and during all interrogations and judicial proceedings, and timely access of lawyers to appropriate information to enable them to provide effective legal assistance to their clients;

8. *Encourages* States to ensure that a proper and consented medical examination by a medical practitioner is available to persons in police custody and pretrial detention as promptly as possible after their admission to the place of detention, and to ensure that the results of every examination and relevant statements by the detainee and the medical practitioner's conclusions are duly recorded and made available to the detainee in accordance with relevant rules of domestic law;

9. *Also encourages* States to ensure the compilation and maintenance of up-to-date official registers and/or records of persons in police custody or pretrial detention, which, as a minimum, contain information about (a) the reasons for the arrest; (b) the time of the arrest and the taking of the arrested person to a place of custody, as well as that of his or her first appearance before a judicial or other authority; (c) the identity of the law enforcement officials concerned; (d) precise information concerning the place of custody; and to communicate such records to the detained person or his or her counsel, as prescribed by law;

10. *Stresses* the importance of developing corroborating methods of crime investigation to eliminate or reduce sole reliance on confessions for the purpose of securing convictions, and the importance of seeking corroborative evidence through all available modern, scientific methods of crime investigation, including through appropriate investment in equipment, skilled human resources and international cooperation on capacity-building;

11. *Also stresses* the importance of keeping under systematic review interrogation rules, instructions, methods and practices, and of developing domestic guidelines on how to conduct interrogations with a view to preventing any cases of torture and other cruel, inhuman or degrading treatment or punishment;

12. *Urges* States, during reviews of domestic interrogation rules, instructions, methods and practices to ensure that they observe their international obligations, that

safeguards against torture and other cruel, inhuman or degrading treatment or punishment are in place, and that during such reviews they are mindful of the particular importance of safeguards, to ensure that:

(*a*) The physical environment and conditions during interrogation are humane;

(*b*) The length of interrogation sessions are in accordance with obligations under international human rights law, including the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(*c*) Interrogated persons are not subjected to coercive methods of interrogation that impair their capacity of decision or their judgement, or forces them to confess, incriminate themselves or testify against any other person;

(*d*) All persons during police custody and pretrial detention subjected to interrogation are afforded the right to the presence and assistance of a lawyer and, if necessary, the presence and services of a properly qualified interpreter during interrogation sessions;

(*e*) Records of interrogation sessions during police custody and pretrial detention, including their duration and the intervals between sessions, and the identity of the law enforcement official who conduct the interrogations and other persons present are kept accurately, and that such records are stored safely;

(*f*) Rules are in place to obligate law enforcement officials to report instances of torture or other cruel, inhuman or degrading treatment or punishment to their superior authorities, with appropriate sanctions for non-reporting, and, where necessary, that independent organs are vested with reviewing or remedial power;

(*g*) Consideration is given at all times to the personal circumstances of the interrogated person;

13. *Stresses* that States must ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, urges States to extend that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

14. *Calls upon* States to include education and information regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment in the training of law enforcement personnel, which may include training on, inter alia, the use of force and all available modern scientific methods for crime investigation and the critical importance of reporting instances of torture or other cruel, inhuman or degrading treatment or punishment to superior authorities;

15. *Emphasizes* that it is important, for the ability of law enforcement officials to play their role in safeguarding the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, that States ensure the proper functioning of the criminal justice system, particularly by taking effective measures for combating corruption, establishing proper legal aid programmes and providing adequate selection, training and remuneration of law enforcement officials;

16. *Stresses* that inspections of places of police custody and pretrial detention by an independent authority contribute to the prevention of torture and other cruel, inhuman or degrading treatment or punishment, and that, to be fully effective, such visits should be regular and able to be made unannounced, and the authority should be empowered to examine all issues related to the treatment of persons in police custody and pretrial detention and to interview detained persons in full confidentiality, subject to reasonable conditions to ensure security and good order in such places;

17. *Emphasizes* that States are obligated to ensure that any person who alleges to have been subjected to torture or other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction has the right to complain to the competent authorities, and that steps are taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his or her complaint or any evidence given;

18. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, and wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including officials in charge of any place of detention or other place where persons are deprived of their liberty where the prohibited act is found to have been committed;

19. *Invites* the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other relevant special procedures, within their respective mandates, to take the present resolution into account in their future work;

20. *Takes note* of the latest report of the Special Rapporteur;[70]

21. *Requests* the Office of the United Nations High Commissioner of Human Rights to convene, in 2017, an intersessional, full-day open-ended seminar, with interpretation in the six official languages of the United Nations, with the objective of exchanging national experiences and practices on the implementation of effective safeguards to prevent torture and other cruel, inhuman or degrading treatment or punishment during police custody and pretrial detention;

22. *Also requests* the Office of the High Commissioner to prepare a summary report of the above-mentioned seminar, and to submit the report to the Human Rights Council at its thirty-seventh session.

64th meeting
24 March 2016

[Adopted without a vote.]

31/32. Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

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[70] A/HRC/31/57.

Recalling also all other previous resolutions on this subject, including Human Rights Council resolutions 22/6 of 21 March 2013 and 25/18 of 28 March 2014, and General Assembly resolutions 68/181 of 18 December 2013 and 70/161 of 17 December 2015,

Reaffirming the importance of the Declaration and its full and effective implementation, and that promoting respect, support and protection for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of other rights,

Recalling also the annual high-level panel discussions held at the thirty-first session of the Human Rights Council on human rights mainstreaming, with its theme "The 2030 Agenda for Sustainable Development and human rights", with an emphasis on the right to development, and on the fiftieth anniversary of the International Covenants on Human Rights,

Noting the statement given by the Special Rapporteur on the situation of human rights defenders during the interactive dialogue with the Human Rights Council at its thirty-first session, and deeply regretting the assassination, following death threats, of persons addressing human rights in the context of land and environmental issues, including indigenous leaders,

Noting also that previous resolutions on the present subject pertain to the promotion and protection of civil, political, economic, social and cultural rights,

Reaffirming that States have the primary responsibility and are under the obligation to protect all human rights and fundamental freedoms of all persons,

Reaffirming also that everyone has the right, individually and in association with others, to promote and strive for the realization of human rights and fundamental freedoms, including all civil, political, economic, social and cultural rights,

Welcoming the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts,

Recognizing the positive, important and legitimate role of human rights defenders in promoting and advocating the realization of all economic, social and cultural rights, including by engaging with Governments and contributing to the efforts in the implementation of the obligations of States in this regard, and welcoming the steps taken by some States to create a safe and enabling environment for the defence of human rights,

Stressing that everyone, individually and in association with others, shall be free to determine themselves which rights to address, at the local, national, regional and international levels, through the exercise of their rights, including through advocacy, reporting and seeking information on human rights violations and abuses by States and non-State actors,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement, and in order to bring to an end all forms of discrimination and oppression wherever they occur, and welcoming also the work of human rights defenders in that regard, *Mindful* that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization or stigmatization of the legitimate role and important activities, consistent with the Declaration, of human rights defenders and the communities of which they are a part or on whose behalf they work, and by avoiding impediments, obstructions, restrictions or selective enforcement thereof contrary to relevant provisions of international human rights law,

Underscoring that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

Deploring the use of policies and legislation that restrict, hinder or limit the activities of human rights defenders in contravention of relevant provisions of international human rights law, and judicial harassment or threat thereof against human rights defenders, including those addressing economic, social and cultural rights, and underlining the obligation of States to prevent and stop such practices,

Underlining the fundamental importance of access to justice through an independent and impartial judiciary,

Underscoring the importance of access to information, including on alleged violations and abuses of human rights, and of the full and effective participation of individuals, groups and organs of society, including human rights defenders, in consultations, decision-making processes and, where relevant, implementation efforts related to legislation, policies, programmes and projects, with a view to mainstreaming, promoting and protecting human rights,

Expressing grave concern at the serious nature of risks faced by human rights defenders, their family members, associates and legal representatives, including threats, attacks and acts of intimidation and reprisal against them in different parts of the world, and gravely concerned about the resulting negative impact on the realization of economic, social and cultural rights, including violations and abuses in this regard,

Expressing grave concern also at the observations and findings of the Special Rapporteur on the situation of human rights defenders that human rights defenders addressing environmental and land issues and corporate responsibility, those working on governance issues, promoting transparency and accountability, and those exposing discrimination, corruption and violence at the hands of States, business enterprises and other non-State actors, are among those human rights defenders who are most exposed and at risk, and noting with grave concern also the findings of the Working Group on Enforced or Involuntary Disappearance that the practice of enforced disappearance is often used to repress and intimidate human rights defenders and prevent others from claiming and exercising their economic, social and cultural rights,

1. *Stresses* that the right of everyone, individually and in association with others, to promote and strive for the protection and realization of all human rights and fundamental freedoms, in accordance with the Declaration,[71] without retaliation or fear thereof is an essential element in building and maintaining sustainable, open and democratic societies, and reaffirms the urgent need to respect, protect, promote and facilitate the work of those defending economic, social and cultural rights as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues and development;

2. *Calls upon* all States to take all measures necessary to ensure the rights and safety of human rights defenders, including those working towards the realization of

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[71] General Assembly resolution 53/144, annex.

economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs, and to seek an effective remedy;

3. *Welcomes* the work of the Special Rapporteur on the situation of human rights defenders, and notes with appreciation the attention given to the promotion and protection of economic, social and cultural rights, including in relevant reports of the mandate holder over time;[72]

4. *Urges* all States to acknowledge in public statements at the national and local levels, and through laws, policies or programmes, the important and legitimate role of human rights defenders, including women human rights defenders, in the promotion of human rights, democracy and the rule of law in all areas of society, in urban and rural areas, as essential components of ensuring their recognition and protection, including those promoting and defending economic, social and cultural rights;

5. *Strongly condemns* the reprisals and violence against and the targeting, criminalization, intimidation, arbitrary detention, torture, disappearance and killing of any individual, including human rights defenders, for their advocacy of human rights, for reporting and seeking information on human rights violations and abuses or for cooperating with national, regional and international mechanisms, including in relation to economic, social and cultural rights;

6. *Calls upon* all States to combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights, including against family members, associates and legal representatives, and by condemning publically all cases of violence, discrimination, intimidation and reprisals against them;

7. *Recognizes* the importance of the independent voice of human rights defenders and other civil society actors, and of partnerships between States and civil society in promoting, protecting and realizing all human rights, including economic, social and cultural rights, and the right to development, and in the context of the implementation of the 2030 Agenda for Sustainable Development;

8. *Emphasizes* the importance of national protection programmes for human rights defenders, and encourages States to consider, as a matter of priority, enacting relevant legislative and policy frameworks to this end, in consultation with human rights defenders, civil society and relevant stakeholders, taking into account, inter alia, the principles presented by the Special Rapporteur on the situation of human rights defenders;[73]

9. *Continues to express particular concern* about systemic and structural discrimination and violence faced by women human rights defenders of all ages, and calls upon all States to give effect to the principles and objectives established by the General Assembly in its resolution 68/181 by protecting the rights of women human rights defenders and by integrating a gender perspective into the efforts to create a safe and enabling environment for the defence of human rights, including economic, social and cultural rights;

10. *Underlines* the legitimate role of human rights defenders in mediation efforts, where relevant, and in supporting victims in accessing effective remedies for violations and abuses of their economic, social and cultural rights, including for members of impoverished communities, groups and communities vulnerable to discrimination, and those belonging to minorities and indigenous peoples;

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[72] A/HRC/4/37, A/HRC/19/55, A/68/262, A/70/217.

[73] See A/HRC/31/55.

11. *Stresses* that legislation affecting the activities of human rights defenders and its application must be consistent with international human rights law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and guided by the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in this regard recognizes the urgent need to review and amend policies or legislation that have the effect of limiting the work and activities of human rights defenders in contravention of international human rights law;

12. *Recognizes* that, in the exercise of the rights and freedoms referred to in the Declaration, human rights defenders, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society;

13. *Calls upon* all States to ensure that information held by public authorities, including with respect to economic, social and cultural rights, and as related to environmental, land, natural resources and development issues, is proactively disclosed and not unnecessarily classified or otherwise withheld from the public, and also calls upon all States to adopt transparent, clear and expedient laws and policies that provide for the effective disclosure of information held by public authorities and a general right to request and receive information, for which public access should be granted, except within narrow, proportionate, necessary and clearly defined limitations;

14. *Also calls upon* all States to promote and enable public participation, and to promote transparency, accountability and effective governance, in the prevention of and the fight against corruption involving State officials, business representatives and other non-State actors, and in raising public awareness regarding the existence, causes and gravity of and the threat posed by corruption, including all possible impact on the enjoyment of economic, social and cultural rights, and further calls upon all States to respect, promote and protect the freedom of everyone to seek, receive, publish and disseminate information concerning corruption, including by protecting the actors doing so, including human rights defenders;

15. *Recognizes* the important and legitimate role of individuals, groups and organs of society that are defending human rights in identifying and raising awareness of human rights impacts, the benefits and risks of development projects and business operations, including in relation to workplace health, safety and rights, and natural resource exploitation, environmental, land and development issues, by expressing their views, concerns, support, criticism or dissent regarding government policy or action or business activities, and underlines the need for Governments to take the measures necessary to safeguard space for such public dialogue and its participants;

16. *Encourages* non-State actors to respect and promote the human rights and fundamental freedoms of all persons, including their economic, social and cultural rights, and to refrain from actions that undermine the capacity of human rights defenders to operate free from hindrance and insecurity, and encourages leaders in all sectors of society to express public support for the important and legitimate role of human rights defenders, including women human rights defenders;

17. *Underscores* in this regard the responsibility of all business enterprises, both transnational and others, to respect human rights, including the rights to life, liberty and security of person of human rights defenders, and their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in public affairs, which are essential for the promotion and protection of all human rights, including economic, social and cultural rights, and the right to development;

18. *Encourages* business enterprises of all categories to avoid, identify, assess and address any adverse human rights impact related to their activities through meaningful consultation with potentially affected groups and other relevant stakeholders in a manner consistent with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,[74] and underlines the importance of accountability, including of all business enterprises, both transnational and others, including their provision of or cooperation in remedial action, and also encourages all business enterprises to share and exchange best practices, and to communicate externally in an accessible form on how they address their adverse human rights impacts, including with information that is sufficient to evaluate the effectiveness and adequacy of the response to the particular human rights impact involved, particularly when concerns are raised by or on behalf of affected stakeholders, including by human rights defenders;

19. *Encourages* all States to engage in initiatives to promote effective prevention, accountability, remedy and reparations with a view to protecting the human rights of everyone, including human rights defenders, including from human rights abuses by business enterprises;

20. *Encourages* States to avail themselves of technical assistance in follow-up to the present and previous resolutions of the General Assembly and the Human Rights Council on the protection of human rights defenders, such as through collaboration, based on mutual consent, with national human rights institutions, regional organizations, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures, and other relevant international agencies and organizations, and with other States;

21. *Invites* the Secretary-General to draw attention to the present resolution in the United Nations system and to continue to include alleged cases of reprisal and intimidation against human rights defenders addressing economic, social and cultural rights, and their family members, associates and legal representatives, in the annual report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights;

22. *Invites* the Special Rapporteur to continue to address the situation of human rights defenders in the field of economic, social and cultural rights, including good practices and challenges, in his work and reporting, including through collaboration and coordination with relevant United Nations agencies, organizations and mechanisms, treaty bodies and other relevant special procedures, in accordance with the mandate;

23. *Decides* to remain seized of the matter.

65th meeting
24 March 2016

[Adopted by a recorded vote of 33 to 6, with 8 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Bangladesh, Belgium, Botswana, Congo, Côte d'Ivoire, Ecuador, Ethiopia, France, Georgia, Germany, Ghana, India, Indonesia, Kyrgyzstan, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Philippines, Portugal, Republic of Korea, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland

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[74] See A/HRC/17/31, annex.

Against:

Burundi, China, Cuba, Nigeria, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bolivia (Plurinational State of), El Salvador, Kenya, Namibia, Qatar, Saudi Arabia, United Arab Emirates, Viet Nam]

31/33. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, and affirming the inadmissibility of acquisition of territory resulting from the threat or use of force,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[75] and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, and all other relevant United Nations resolutions, including those adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Taking note of General Assembly resolution 67/19 of 29 November 2012,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this jus cogens norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

Deploring the plight of millions of Palestine refugees and displaced persons who have been uprooted from their homes,

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[75] A/CONF.157/23.

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the right to self-determination of the Palestinian people, which is a right *erga omnes*, is severely impeded by Israel, the occupying Power, through the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, which, together with the Israeli settlement enterprise and measures previously taken, results in serious violations of international humanitarian and human rights law, including forcible transfer of Palestinians and Israeli acquisition of Palestinian land,

Considering that the right to self-determination of the Palestinian people is being violated further by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Calls upon* Israel, the occupying Power, to end its occupation of the Occupied Palestinian Territory, including East Jerusalem, and reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Expresses grave concern* at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, which are resulting from Israel's continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall, stresses that this fragmentation, which undermines the possibility of the Palestinian people realizing their right to self-determination, is incompatible with the purposes and principles of the Charter of the United Nations, and emphasizes in this regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

5. *Urges* all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right;

6. *Decides* to continue the consideration of this question at its thirty-fourth session.

66th meeting
24 March 2016

[Adopted without a vote.]

31/34. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also relevant resolutions of the Human Rights Council,

Taking note of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and of other relevant recent reports of the Human Rights Council,

Noting the recent accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Deploring Israel's recurrent practice of withholding Palestinian tax revenues,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

Emphasizing the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

Stressing also the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned in this regard by the ongoing demolition of Palestinian homes by Israel, the occupying Power, in particular in Occupied East Jerusalem, including when carried out as an act of collective punishment in violation of international humanitarian law, and by the revocation of residence permits and the eviction of Palestinian residents of the city,

Deploring the conflict in and around the Gaza Strip in July and August 2014 and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and any violations of international law, including humanitarian and human rights law, in this regard,

Gravely concerned in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of the military operations between December 2008 and January 2009, in November 2012 and in July and August 2014, and about the firing of rockets into Israel,

Stressing that the situation in the Gaza Strip is unsustainable and that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

Affirming the need to support the Palestinian national consensus Government in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, and through its presence at Gaza crossing points,

Expressing deep concern about the short- and long-term detrimental impact of such widespread destruction and the continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts to provide the Gaza Strip with the assistance that it requires,

Stressing the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli concerns,

Stressing also the need for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

Expressing deep concern at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only, and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and deeply concerned also at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy,

Convinced that the Israeli occupation has gravely impeded the efforts to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

Deploring all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

Emphasizing that the destruction of property and the forced displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on the destruction of property and on forcible transfers, respectively, under articles 53 and 49 of the Fourth Geneva Convention,

Deeply concerned at reports of the hampering and destruction of humanitarian assistance by Israel, contributing to a coercive environment that can lead to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory,

Expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

Expressing deep concern also at the recent hunger strikes by numerous Palestinian prisoners in protest at the harsh conditions of their imprisonment and detention by the occupying Power, while taking note of the agreement reached in May 2012 on conditions of detention in Israeli prisons and calling for its full and immediate implementation,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules, *Expressing concern* at the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

Recognizing the continued efforts and tangible progress made in the Palestinian security sector, noting the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

5. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

6. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

7. *Also reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate access of medical supplies and medical practitioners to all areas under occupation, including the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

8. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic

sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

9. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

10. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, and United Nations facilities, and agricultural lands, and large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of peaceful protests in the West Bank;

11. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

12. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

13. *Also calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, to ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

14. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for a full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release all Palestinian prisoners detained in violation of international law;

15. *Calls for* urgent attention to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

16. *Calls upon* Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment;

17. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

18. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall

short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

19. *Deplores* Israel's resumption of the policy of punitive home demolitions and the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws, and the demolition of residential structures and the forced eviction of Palestinian families, in violation of their basic right to adequate housing and in violation of international humanitarian law;

20. *Expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

21. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

22. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded by the General Assembly in its resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

23. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

24. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

25. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

26. *Expresses grave concern* at:

(a) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(*b*) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

27. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

28. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

29. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and stresses the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

30. *Requests* the Secretary-General to place the presence of the Office of the High Commissioner in the Occupied Palestinian Territory on a firmer basis under the regular budget, including by, inter alia, deploying the necessary personnel and expertise;

31. *Also requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council, with a particular focus on the recurrence and persistence of human rights violations and the underlying policies leading to such patterns, including those involving forcible displacement, at its thirty-fourth session;

32. *Decides* to remain seized of the matter.

66th meeting
24 March 2016

[Adopted by a recorded vote of 42 to 0, with 5 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Bangladesh, Belgium, Bolivia (Plurinational State of), Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, France, Georgia, Germany, India, Indonesia, Kenya, Kyrgyzstan, Latvia, Maldives, Mexico, Mongolia, Morocco, Namibia, Netherlands, Nigeria, Panama, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Botswana, Ghana, Paraguay, the former Yugoslav Republic of Macedonia, Togo]

31/35. Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

For the text of the resolution, see chapter II.

31/36. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also Human Rights Council resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, and recalling the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014,

Noting the recent accession by Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Affirming that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the four Geneva Conventions,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

Taking note of the recent relevant reports of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, and the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[76]

Noting that Israel has over the years been planning, implementing, supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, through, inter alia, the granting of benefits and incentives to settlements and settlers,

Recalling the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Taking note of General Assembly resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded the status of non-member observer State in the United Nations, and also of the follow-up report thereon of the Secretary-General,[77]

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forcible displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the conduct of economic activity for the benefit of the occupying Power, the disruption of the livelihood of protected persons, the de facto annexation of land and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, undermine regional and international efforts aimed at the realization of the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, and stressing that the continuation of these policies seriously endangers the viability of the two-State solution, undermining the physical possibility of its realization,

Noting in this regard that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely limiting the possibility of a contiguous territory and the ability to dispose freely of natural resources, both of which are required for the meaningful exercise of Palestinian self-determination,

Noting also that the settlement enterprise and the impunity associated with its existence, expansion and related violence continue to be a root cause of many violations of the Palestinians' human rights, and constitute the main factors perpetuating Israel's belligerent occupation of the Palestinian Territory, including East Jerusalem, since 1967,

Condemning the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

Expressing grave concern in particular at the construction and expansion by Israel of settlements in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley,

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[76] A/HRC/22/63

[77] A/67/738

Expressing grave concern at the continuing construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudge future negotiations by creating a fait accompli on the ground that could be tantamount to de facto annexation in departure from the Armistice Line of 1949, and make the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned at all acts of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including homes, agricultural lands and historic and religious sites, and the acts of terror carried out by several extremist Israeli settlers, which are a long-standing phenomenon aimed at, inter alia, displacing the occupied population and facilitating the expansion of settlements,

Expressing concern at ongoing impunity for acts of settler violence against Palestinian civilians and their properties, and stressing the need for Israel to investigate and to ensure accountability for all of these acts,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources,

Noting that the agricultural sector, considered the cornerstone of Palestinian economic development, has not been able to play its strategic role because of the dispossession of land and the denial of access for farmers to agricultural areas, water resources and domestic and external markets owing to the construction, consolidation and expansion of Israeli settlements,

Recalling Human Rights Council resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and call upon States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas, including by ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

Noting that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and concerned that some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory,

Reaffirming the fact that the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August

1949, undertook to respect and to ensure respect for the Convention in all circumstances, and that States should not recognize an unlawful situation arising from breaches of peremptory norms of international law,

Calling upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan,

Emphasizing the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

Concerned that economic activities facilitate the expansion and entrenchment of settlements, and aware that the conditions of harvesting and production for products made in settlements involve the breach of applicable legal norms, inter alia, the exploitation of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and calling upon all States to respect their legal obligations in this regard,

Aware that products wholly or partially produced in settlements have been labelled as originating from Israel,

Aware also of the role of private individuals, associations and charities in third States that are involved in providing funding to Israeli settlements and settlement-based entities, contributing to the maintenance and expansion of settlements,

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 1515 (2003) of 19 November 2003;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

5. *Condemns* the continuing settlement and related activities by Israel, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion and displacement of Palestinians, including entire communities and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 thereof;

6. *Also condemns* the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as it seriously undermines the peace process and jeopardizes the ongoing efforts by the international community to reach a final and just peace solution compliant with international law and legitimacy, including relevant United Nations resolutions, and constitutes a threat to the two-State solution;

7. *Expresses its grave concern* at, and calls for the cessation of:

(*a*) The operation by Israel of a tramway linking the settlements with West Jerusalem, which is in clear violation of international law and relevant United Nations resolutions;

(*b*) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forced evictions and "relocation" plans, the obstruction and destruction of humanitarian assistance and the creation of unbearable living conditions by Israel in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, and further settlement activities, including the denial of access to water and other basic services by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, declarations of so-called "State lands", closed "military zones", "national parks" and "archaeological" sites to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of Israel's obligations under international humanitarian law and international human rights law;

(*c*) Israeli measures in the form of policies, laws and practices that have the effect of preventing Palestinians from full participation in the political, social, economic and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

8. *Calls upon* Israel, the occupying Power:

(*a*) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards the dismantlement of the settlement enterprise, to stop immediately the expansion of existing settlements, including so-called natural growth and related activities, to prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and to discard its "E-1" plan;

(*b*) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims;

(*c*) To take immediate measures to prohibit and eradicate all policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, to the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, the application of a two-tier legal system that has facilitated the establishment and consolidation of the settlements, and other violations and forms of discrimination;

(*d*) To cease the requisition and all other forms of unlawful appropriation of Palestinian land, including so-called "State land", and its allocation for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(*e*) To put an end to all measures and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves and changing the demographic composition of the Occupied Palestinian Territory;

(f) To take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for and preventing all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(g) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian population;

(h) To cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

9. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union since 2014;

10. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect of their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements;

11. *Reminds* all States of their legal obligations as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including not to recognize the illegal situation resulting from the construction of the wall, not to render aid or assistance in maintaining the situation created by such construction, and to ensure compliance by Israel with international humanitarian law as embodied in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

12. *Urges* all States:

(a) To ensure that they are not taking actions that either recognize or assist the expansion of settlements or the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, including with regard to the issue of trading with settlements, consistent with their obligations under international law;

(b) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to help to ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, refrain from committing or contributing to gross human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards, by taking all necessary steps;

(c) To provide guidance to individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses, and abuses of the rights of individuals, of becoming involved in settlement-related activities, including through financial transactions, investments, purchases, procurements, loans and the provision of services, and other economic and financial activities in or benefiting Israeli settlements, to inform businesses of these risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure that their policies, legislation,

regulations and enforcement measures effectively address the heightened risks of operating a business in the Occupied Palestinian Territory, including East Jerusalem;

(*d*) To increase monitoring of settler violence with a view to promoting accountability;

13. *Calls upon* business enterprises to take all measures necessary to comply with the Guiding Principles on Business and Human Rights and relevant international laws and standards with respect to their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to avoid the adverse impact of such activities on human rights and to avoid contributing to the establishment or maintenance of Israeli settlements or the exploitation of natural resources of the Occupied Palestinian Territory;

14. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[75] and endorsed by the Human Rights Council through its resolution 22/29, in accordance with their respective mandates;

15. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations "Protect, Respect and Remedy" Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

16. *Takes note* of the statement of the Working Group on the issue of human rights and transnational corporations and other business enterprises in follow-up to Human Rights Council resolution 22/29;

17. *Requests* the United Nations High Commissioner for Human Rights, in close consultation with the Working Group on the issue of human rights and transnational corporations and other business enterprises, in follow-up to the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[76] and as a necessary step for the implementation of the recommendation contained in paragraph 117 thereof, to produce a database of all business enterprises involved in the activities detailed in paragraph 96 of the afore-mentioned report, to be updated annually, and to transmit the data therein in the form of a report to the Council at its thirty-fourth session;

18. *Requests* the Secretary-General to report on the implementation of the present resolution, with particular emphasis on the human rights and international law violations involved in the production of settlement goods and the relationship between trade in these goods and the maintenance and economic growth of settlements, at its thirty-fourth session;

19. *Decides* to remain seized of the matter.

66th meeting
24 March 2016

[Adopted by a recorded vote of 32 to 0, with 15 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mexico, Mongolia, Morocco, Namibia, Nigeria, Panama, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Switzerland, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Albania, Belgium, France, Georgia, Germany, Ghana, Latvia, Netherlands, Paraguay, Portugal, Republic of Korea, Slovenia, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland]

31/37. The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights, and recalling the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other relevant international and regional human rights treaties,

Recalling the Vienna Declaration and Programme of Action,

Recalling also its decision 17/120 of 17 June 2011 and its resolutions 19/35 of 23 March 2012, 22/10 of 21 March 2013 and 25/38 of 28 March 2014, on the promotion and protection of human rights in the context of peaceful protests,

Recalling further that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of assemblies, and to ensure that national legislation, policies and practices, as the national framework for the exercise of the rights to freedom of peaceful assembly, of expression and of association, are in compliance with international human rights law,

1. *Calls upon* all States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, recalls that all States have the responsibility in all circumstances, including in the context of peaceful protests, to promote, respect and protect human rights and to prevent human rights violations, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment, and sexual violence, and calls upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;

2. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent loss of life of and injuries to protesters, bystanders, those monitoring such protests and officials exercising law enforcement duties, as well as any human rights violation or abuse, to ensure accountability for such violations and abuses and to provide victims with access to a remedy and redress;

3. *Takes note with appreciation* of the compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned prepared by the Special Rapporteur on the rights to freedom of peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions,[78] in which they provide an analysis of the human rights involved before, during and after an assembly, including the rights to freedom of peaceful assembly, of expression, of association, and of religion or belief, the right to participation in the conduct of public affairs, the right to life, liberty and security of person, the right to be free from torture and cruel, inhuman or degrading treatment or punishment, as well as the right to an effective remedy for all human rights violations, and the respect for human dignity, bodily integrity, and privacy;

4. *Encourages* all States to give due consideration to the above mentioned compilation, which provides a useful tool for States on how to fulfil their obligations and commitments, including on how to operationalize them in their domestic laws, procedures and practices, to promote and protect human rights in the context of assemblies, including peaceful protests;

5. *Reaffirms* that all States must ensure that their domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association and to the use of force in the context of law enforcement are in conformity with their international obligations and commitments and effectively implemented, and must provide proper training for officials exercising law enforcement duties, including in the use of protective equipment and of less-lethal weapons;

6. *Encourages* all States to engage at the national and regional levels with relevant stakeholders, including assembly organizers, human rights defenders, civil society actors, national human rights institutions, as well as business enterprises and regional human rights mechanisms, on the management of assemblies, including, as appropriate, any follow-up to the compilation of practical recommendations;

7. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of assemblies in order to raise the capacities of law enforcement agencies to deal with such assemblies in a manner that conforms to their international human rights obligations and commitments;

8. *Invites* States to seek relevant technical assistance, including from the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and from other specialized agencies where appropriate, from relevant special procedures of the Human Rights Council and from regional human rights mechanisms;

9. *Invites* all States to consider making recommendations, as appropriate, to States under review, in the context of the universal periodic review, on the management of assemblies and the promotion and protection of human rights in such contexts;

10. *Encourages* the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on extrajudicial, summary or arbitrary executions and other relevant special procedures of the Human Rights Council, as appropriate, in the framework of their mandates, to continue to address in their work, the management of assemblies and the promotion and protection of human rights in such contexts;

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[78] A/HRC/31/66.

11. *Decides* to remain seized of the matter.

66th meeting
24 March 2016

[Adopted by a recorded vote of 31 to 5, with 10 abstentions.* The voting was as follows:

In favour:

Albania, Algeria, Belgium, Botswana, Côte d'Ivoire, Ecuador, El Salvador, Ethiopia, France, Georgia, Germany, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Philippines, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Bolivia (Plurinational State of), Namibia, Nigeria, Qatar, Saudi Arabia, South Africa, Togo, United Arab Emirates, Viet Nam]

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* The delegation of the Congo did not cast a vote.

B. Decisions

31/101. Outcome of the universal periodic review: Federated States of Micronesia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Federated States of Micronesia on 2 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of the Federated States of Micronesia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/4), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/4/Add.1 and A/HRC/31/2, chap. VI).

42nd meeting
16 March 2016

[Adopted without a vote.]

31/102. Outcome of the universal periodic review: Lebanon

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Lebanon on 2 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Lebanon, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/5), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/5/Add.1 and A/HRC/31/2, chap. VI).

43rd meeting
16 March 2016

[Adopted without a vote.]

31/103. Outcome of the universal periodic review: Mauritania

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Mauritania on 3 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Mauritania, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/6), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/6/Add.1 and A/HRC/31/2, chap. VI).

43rd meeting
16 March 2016

[Adopted without a vote.]

31/104. Outcome of the universal periodic review: Nauru

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Nauru on 3 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Nauru, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/7), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/7/Add.1 and A/HRC/31/2, chap. VI).

43rd meeting
16 March 2016

[Adopted without a vote.]

31/105. Outcome of the universal periodic review: Rwanda

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Rwanda on 4 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1, *Decides* to adopt the outcome of the review of Rwanda, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/8), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/8/Add.1 and A/HRC/31/2, chap. VI).

44th meeting
16 March 2016

[Adopted without a vote.]

31/106. Outcome of the universal periodic review: Nepal

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Nepal on 4 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Nepal, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/9 and Corr.1), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/9/Add.1 and A/HRC/31/2, chap. VI).

44th meeting
16 March 2016

[Adopted without a vote.]

31/107. Outcome of the universal periodic review: Austria

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Austria on 9 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Austria, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/12), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/12/Add.1 and A/HRC/31/2, chap. VI).

44th meeting
16 March 2016

[Adopted without a vote.]

31/108. Outcome of the universal periodic review: Australia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Australia on 9 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Australia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/14 and Corr.1), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/14/Add.1 and A/HRC/31/2, chap. VI).

45th meeting
17 March 2016

[Adopted without a vote.]

31/109. Outcome of the universal periodic review: Georgia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Georgia on 10 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Georgia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/15 and Corr.1), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/15/Add.1 and A/HRC/31/2, chap. VI).

45th meeting
17 March 2016

[Adopted without a vote.]

31/110. Outcome of the universal periodic review: Saint Lucia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Saint Lucia on 5 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1, *Decides* to adopt the outcome of the review of Saint Lucia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/10), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/10/Add.1 and A/HRC/31/2, chap. VI).

45th meeting
17 March 2016

[Adopted without a vote.]

31/111. Outcome of the universal periodic review: Oman

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Oman on 5 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Oman, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/11), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/11/Add.1 and A/HRC/31/2, chap. VI).

46th meeting
17 March 2016

[Adopted without a vote.]

31/112. Outcome of the universal periodic review: Myanmar

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Myanmar on 6 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Myanmar, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/13), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/13/Add.1 and A/HRC/31/2, chap. VI).

46th meeting
17 March 2016

[Adopted without a vote.]

31/113. Outcome of the universal periodic review: Saint Kitts and Nevis

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Saint Kitts and Nevis on 11 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Saint Kitts and Nevis, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/16), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/16/Add.1 and A/HRC/31/2, chap. VI).

46th meeting
17 March 2016

[Adopted without a vote.]

31/114. Outcome of the universal periodic review: Sao Tome and Principe

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Sao Tome and Principe on 11 November 2015 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Sao Tome and Principe, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/31/17), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/31/2, chap. VI).

49th meeting
18 March 2016

[Adopted without a vote.]

31/115. High-level panel discussion on the occasion of the tenth anniversary of the Human Rights Council

At its 62nd meeting, on 23 March 2016, the Human Rights Council decided to adopt the following text:

> "*The Human Rights Council*,
>
> *Guided* by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling all other international human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming also General Assembly resolution 60/251 of 15 March 2006, by which the Assembly decided to establish the Human Rights Council,

Noting that June 2016 will mark the tenth anniversary of the Human Rights Council,

Emphasizing that the tenth anniversary offers an important opportunity to underline and reiterate the commitment to the universal promotion and protection of the human rights of all and to reflect on the achievements and challenges of the Human Rights Council,

Emphasizing also the need for reinforced efforts to meet the goal of the full realization of all human rights for all,

Recalling the creation of the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council,[79] aimed at enabling fuller participation of all Member States in the work of the Council,

1. *Decides* to convene, on the first day of its thirty-second session, a high-level panel discussion on the occasion of the tenth anniversary of the Human Rights Council, focused on its achievements and challenges, with the participation of the United Nations High Commissioner for Human Rights;

2. *Encourages* on the occasion of the tenth anniversary the participation of all Member States, including Member States that do not have a mission in Geneva, in the work of the Human Rights Council, including in the high-level panel discussion;

3. *Requests* the Office of the High Commissioner to organize the panel discussion, and to liaise with States and other stakeholders with a view to ensuring their participation in it;

4. *Also requests* the Office of the High Commissioner to prepare a report on the panel discussion in the form of a summary."

[Adopted without a vote.]

31/116. Commencement of the third cycle of the universal periodic review

At its 63rd meeting, on 23 March 2016, the Human Rights Council decided that the third cycle of the universal periodic review shall commence in April/May 2017, once the outcome documents of the last States considered during the second cycle have been adopted by the Council at its thirty-fourth session.

[Adopted without a vote.]

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[79] See Human Rights Council resolution 19/26

C. President's statements

PRST 31/1. Situation of human rights in Haiti

At the 64th meeting, held on 24 March 2016, the President of the Human Rights Council made the following statement:

"The Human Rights Council,

1. Thanks the Independent Expert for his report on the situation of human rights in Haiti and takes note of the latest legal and political developments in Haiti, in particular the following:

(*a*) The presentation to the executive branch, on 14 October 2015, of the preliminary draft bill on the Code of Criminal Procedure by the members of the Presidential Commission on Justice Reform;

(*b*) The investiture, on 1 December 2015, of the members of the National Committee for the Fight against Human Trafficking;

(*c*) The holding of legislative and presidential elections, respectively in August and October 2015, and the initiation of the activities of the new Parliament in January 2016;

(*d*) The deferral of the second round of the presidential elections owing to concerns about the electoral process;

(*e*) The signing, on 5 February 2016, of a political agreement between the executive branch and the presiding officers of the two chambers of the Parliament with regard to moving forward with the electoral process and to institutional continuity;

(*f*) The election, on 14 February 2016, of an interim President in accordance with the terms of that agreement;

(*g*) The announcement by the interim President, on 13 March 2016, of the composition of the nine-member Provisional Electoral Council, which includes three women and is pending confirmation by presidential decree;

(*h*) The appointment by decree, on 22 March 2016, of the Head of the Government;

2. Welcomes the renewed commitment of Haiti to the effective implementation of the international human rights treaties to which Haiti is a party, with the consideration of its second and third periodic reports by the Committee on the Rights of the Child[80] in January 2016 and of its eighth and ninth periodic reports by the Committee on the Elimination of Discrimination against Women[81] in March 2016;

3. Encourages the Government of Haiti to continue to cooperate fully and effectively with the treaty bodies and to submit its pending reports to said bodies as appropriate;

4. Also encourages the Government of Haiti to ratify the pending Conventions during the fiftieth legislature and to follow up the draft Criminal Code

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[80] CRC/C/HTI/2-3.

[81] CEDAW/C/HTI/8-9.

and draft Code of Criminal Procedure, which underpin the reform and modernization of the judicial system;

5. *Welcomes* the reaffirmation of the commitment of the Haitian authorities to improve the living conditions of Haitian women and men by, inter alia, devoting greater attention to respect for human rights, and in that regard is concerned by the fact that some challenges remain in the human rights sphere and that further progress needs to be made;

6. *Also welcomes* the political agreement concluded on 6 February 2016 to prevent the creation of an institutional vacuum, and calls upon the country's political stakeholders to respect the terms of that agreement within the time frames indicated in order to take forward the electoral process launched in August 2015, the completion of which will help to restore constitutional order in Haiti;

7. *Urges* the Government of Haiti, in this context, to continue strengthening the rule of law by, inter alia, combating impunity and corruption and tackling crime and its causes, and strongly encourages the Government to continue building the capacity of the national police force and the judicial and penitentiary system with a view to ensuring the proper functioning of public institutions and services and the enjoyment of all human rights;

8. *Encourages* the Government of Haiti to strengthen national human rights institutions, in particular the Office of the Ombudsman, and to provide it with adequate resources;

9. *Strongly encourages* the Government of Haiti to continue to adopt the necessary political and legal measures to safeguard the rights of members of vulnerable groups, including child domestic workers, and to accord special attention to the situation of persons who lack identity documents;

10. *Also strongly encourages* the Government of Haiti to increase women's participation in political affairs and to continue to combat gender-based violence and discrimination;

11. *Acknowledges* that the full enjoyment of all civil, political, economic, social and cultural human rights constitutes a factor conducive to peace, stability and development in Haiti;

12. *Encourages* the international community as a whole and, in particular, international donors, the Group of Latin American and Caribbean States, the group of countries known as the Friends of Haiti and the specialized bodies of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, to step up their cooperation and coordination efforts with the Haitian authorities with a view to the full realization of all human rights in Haiti;

13. *Welcomes and approves* the request of the Haitian authorities for a one-year extension of the mandate of the Independent Expert on the situation of human rights in Haiti, within the framework of technical assistance and capacity-building;

14. *Encourages* the Independent Expert to continue to work with international bodies, including the United Nations Stabilization Mission in Haiti, donors and the international community to raise their awareness of the need to provide their expertise and sufficient resources to support the efforts of the Haitian authorities to rebuild the country and pursue sustainable development;

15. *Also encourages* the Independent Expert to continue to work with the Government of Haiti, civil society and non-governmental organizations in Haiti, and invites the Government to continue its active cooperation with civil society;

16. *Invites* the Independent Expert to assist the Government of Haiti in implementing his own recommendations and those made by other special procedures;

17. *Also invites* the Independent Expert to present to the Council, at its thirty-fourth session, a report on the situation of human rights in Haiti, and further invites him to undertake a mission to Haiti and to report on that mission to the Council at its thirty-fourth session."

V. Thirty-second session

A. Resolutions

32/1. Youth and human rights

The Human Rights Council,

Guided by the purposed and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all previous relevant resolutions, including the most recent, namely, General Assembly resolution 70/127 of 17 December 2015 on policies and programmes involving youth, and Assembly resolution 50/81 of 14 December 1995, by which the Assembly adopted the World Programme of Action for Youth to the Year 2000 and Beyond,

Recalling further the Vienna Declaration and Programme of Action, which states that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[82] and reaffirming the need to develop and implement strategies that give young people everywhere real opportunities for full, effective and constructive participation in society,

Welcoming also the high-level event held by the General Assembly on 29 May 2015 to mark the twentieth anniversary of the World Programme of Action for Youth, which offered an important opportunity for Member States and other relevant stakeholders to take stock of progress made in its implementation, and to identify gaps and challenges and the way forward for its full, effective and accelerated implementation,

Looking forward to further contributions by the United Nations High Commissioner for Human Rights, the special procedures and the treaty bodies, and the Envoy of the Secretary-General on Youth, and other relevant international and regional human rights mechanisms in identifying and addressing obstacles to the enjoyment of human rights by youth,

Bearing in mind that young people face specific challenges that require integrated responses by States, the United Nations system and other stakeholders,

Bearing in mind also that today's generation of youth is the largest the world has ever witnessed, and that the ways in which the challenges and the potential of young people are addressed by policy will influence the well-being and livelihood of future generations,

Underlining the important role that youth can play in the promotion of peace, sustainable development and human rights, and the importance of active and wide participation of youth in decision-making,

Stressing that the enjoyment of human rights and fundamental freedoms by young people empowers them to contribute to the political, civil, economic, social, and cultural development of their countries,

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[82] General Assembly resolution 70/1.

Recalling the United Nations Declaration on Human Rights Education and Training, and recognizing that human rights education and training for youth can contribute to the promotion of inclusive and tolerant societies, thereby favouring the progressive realization of all human rights,

1. *Decides* to convene at its thirty-third session a panel discussion on the theme, "Youth and human rights", the objective of which will be to identify challenges, best practices and lessons learned in the exercise of human rights by young people, and relevant opportunities for the empowerment of youth in the exercise of their rights, and requests the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations agencies, funds and programmes, the treaty bodies, the special procedures of the Human Rights Council, national human rights institutions and civil society, including representatives of youth organizations, with a view to ensuring their participation in the panel discussion;

2. *Requests* the High Commissioner to prepare a report on the panel discussion in the format of a summary, and to submit the report to the Human Rights Council at its thirty-fifth session;

3. *Decides* to remain seized of the matter.

41st meeting
30 June 2016

[Adopted without a vote.]

32/2. Protection against violence and discrimination based on sexual orientation and gender identity

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights,

Recalling that the Vienna Declaration and Programme of Action affirms that all human rights are universal, indivisible and interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, and that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recalling also General Assembly resolution 60/251 of 15 March 2006, in which the Assembly stated that the Human Rights Council should be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Recalling further Human Rights Council resolutions 17/19 of 17 June 2011 and 27/32 of 26 September 2014,

Stressing the need to maintain joint ownership of the international human rights agenda and to consider human rights issues in an objective and non-confrontational manner,

Undertaking to support its broad and balanced agenda, and to strengthen the mechanisms addressing issues of importance, including fighting racism, racial discrimination, xenophobia and related intolerance in all their forms,

Reiterating the importance of respecting regional, cultural and religious value systems as well as particularities in considering human rights issues, *Underlining* the fundamental importance of respecting relevant domestic debates at the national level on matters associated with historical, cultural, social and religious sensitivities,

Deploring the use of external pressure and coercive measures against States, particularly developing countries, including through the use and threat of use of economic sanctions and/or the application of conditionality to official development assistance, with the aim of influencing the relevant domestic debates and decision-making processes at the national level,

Concerned by any attempt to undermine the international human rights system by seeking to impose concepts or notions pertaining to social matters, including private individual conduct, that fall outside the internationally agreed human rights legal framework, and taking into account that such attempts constitute an expression of disregard for the universality of human rights,

Underlining that the present resolution should be implemented while ensuring respect for the sovereign right of each country as well as its national laws, development priorities, the various religious and ethical values and cultural backgrounds of its people, and should also be in full conformity with universally recognized international human rights,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Reaffirms* that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

2. *Strongly deplores* acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation or gender identity;

3. *Decides* to appoint, for a period of three years, an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, with the following mandate:

(*a*) To assess the implementation of existing international human rights instruments with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, while identifying both best practices and gaps;

(*b*) To raise awareness of violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to identify and address the root causes of violence and discrimination;

(*c*) To engage in dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(*d*) To work in cooperation with States in order to foster the implementation of measures that contribute to the protection of all persons against violence and discrimination based on sexual orientation and gender identity;

(*e*) To address the multiple, intersecting and aggravated forms of violence and discrimination faced by persons on the basis of their sexual orientation and gender identity;

(*f*) To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts to combat violence and discrimination against persons on the basis of their sexual orientation or gender identity;

4. *Requests* the Independent Expert to report annually to the Human Rights Council, starting from its thirty-fifth session, and to the General Assembly, starting from its seventy-second session;

5. *Calls upon* all States to cooperate with the Independent Expert in the discharge of the mandate, including by providing all information requested, to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries and to consider implementing the recommendations made in the mandate holder's reports;

6. *Encourages* all relevant stakeholders, including United Nations agencies, programmes and funds, human rights mechanisms, national human rights institutions, national independent monitoring frameworks, civil society, the private sector, donors and development agencies to cooperate fully with the Independent Expert to enable the mandate holder to fulfil his or her mandate;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the human, technical and financial resources necessary for the effective fulfilment of his or her mandate;

8. *Decides* to remain seized of this issue.

41st meeting
30 June 2016

[Adopted by a recorded vote of 23 to 18, with 6 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Bolivia (Plurinational State of), Cuba, Ecuador, El Salvador, France, Georgia, Germany, Latvia, Mexico, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Algeria, Bangladesh, Burundi, China, Congo, Côte d'Ivoire, Ethiopia, Indonesia, Kenya, Kyrgyzstan, Maldives, Morocco, Nigeria, Qatar, Russian Federation, Saudi Arabia, Togo, United Arab Emirates

Abstaining:

Botswana, Ghana, India, Namibia, Philippines, South Africa]

32/3. Trafficking in persons, especially women and children: protecting victims of trafficking and persons at risk of trafficking, especially women and children in conflict and post-conflict situations

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous General Assembly and Human Rights Council resolutions on the problem of trafficking in persons, especially women and children,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, *Reaffirming* the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Reaffirming also the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Reaffirming further the Forced Labour Convention, 1930 (No. 29) and the Protocol of 2014 thereto, the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Recommendation on Supplementary Measures for the Effective Suppression of Forced Labour, 2014 (No. 203) of the International Labour Organization,

Recalling the Domestic Workers Convention, 2011 (No. 189) and the Domestic Workers Recommendation, 2011 (No. 201) of the International Labour Organization,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[83] and recalling targets 5.2, 8.7 and 16.2, which aim at eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; and ending abuse, exploitation, trafficking and all forms of violence against and torture of children,

Taking note of the decision of the General Assembly to declare 30 July World Day against Trafficking in Persons,

Taking note also of the Recommended Principles and Guidelines on Human Rights and Human Trafficking[84] and the commentary thereon developed by the Office of the United Nations High Commissioner for Human Rights,

Recalling resolution 2015/23 of the Economic and Social Council of 21 July 2015 on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons,

Recognizing the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities and the Committee against Torture at the persistence of trafficking and the vulnerability of trafficked persons to human rights violations and abuses,

Affirming that trafficking in persons violates and impairs or nullifies the enjoyment of human rights and fundamental freedoms, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral, regional and bilateral cooperation among countries of origin, transit and destination for its eradication,

Recognizing that victims of trafficking in persons are often subject to multiple forms of discrimination and violence, including on the grounds of gender, age, race, disability, ethnicity, culture and religion, as well as national or social origin or other status, and that these forms of discrimination may themselves fuel trafficking in persons,

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[83] General Assembly resolution 70/1.

[84] E/2002/68/Add.1.

Recognizing also that poverty, unemployment, lack of socioeconomic opportunities, gender-based violence, discrimination and marginalization are some of the contributing factors that make persons vulnerable to trafficking,

Recognizing further the heightened vulnerability to trafficking of women and children in humanitarian crisis situations, including in conflict and post-conflict environments, natural disasters and other emergency environments,

Recognizing the need to reinforce efforts regarding the provision of relevant documents, such as birth registration documents, in order to lower the risk of being trafficked and to help to identify victims of trafficking in persons,

Noting that the availability of regular migration opportunities can be one way to reduce the risk of persons being trafficked,

Noting with concern that some of the demand fostering sexual exploitation, exploitative labour and the illegal removal of organs is met by trafficking in persons,

Welcoming in particular the efforts of States, United Nations bodies and agencies and intergovernmental and non-governmental organizations, as well as regional and subregional initiatives to address the problem of trafficking in persons, especially women and children, including the Working Group on trafficking in persons established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Global Plan of Action to Combat Trafficking in Persons, adopted by the General Assembly in its resolution 64/293 of 30 July 2010, and the Inter-Agency Coordination Group against Trafficking in Persons,

Taking note of the Global Report on Trafficking in Persons of the United Nations Office on Drugs and Crime and the Global Report on Forced Labour of the International Labour Organization,

Reaffirming the importance of bilateral, subregional, regional and international cooperation mechanisms and initiatives, including information exchanges on best practices, of Governments and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and punish perpetrators, to rescue victims and to provide for their protection and access to remedies, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Recognizing the importance of the work of the Special Rapporteur on trafficking in persons, especially women and children, in the prevention of trafficking in persons and the promotion of the global fight against trafficking in persons and in promoting awareness of and upholding the human rights of victims of trafficking,

Convinced of the need to protect and assist all victims of trafficking, with full respect for the human rights and dignity of the victims,

1. *Notes with appreciation* the thematic report of the Special Rapporteur on trafficking in persons, especially women and children, focusing on protecting victims of trafficking and people at risk of trafficking, especially women and children, in conflict and post-conflict situations;[85]

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[85] A/HRC/32/41.

2. *Calls upon* all States:

(*a*) To protect persons, particularly women, children and other vulnerable groups, in conflict affected areas, and persons fleeing conflict, from all forms of trafficking in persons;

(*b*) To identify measures to prevent trafficking for purposes of labour exploitation of persons fleeing conflict, including by establishing safe and regular channels of migration, respecting the principle of non-refoulement and, as appropriate, examining possibilities for their access to the labour market in the host country;

(*c*) To ensure birth registration and education and to promote access to marriage registration of persons fleeing conflict, including those living in camps for internally displaced persons and refugees, as a way to address potential trafficking in children;

(*d*) To prevent and to prosecute trafficking in persons in all its forms;

(*e*) To consider granting non-national victims of trafficking residence status and assistance in line with national laws and practice, not to be made conditional on the initiation of criminal proceedings or their cooperation with law enforcement authorities;

(*f*) To train all stakeholders, including humanitarian personnel working in conflict zones and in refugee camps, to identify potential cases of trafficking and those individuals at risk of being trafficked;

(*g*) To continue predeployment training of United Nations peacekeepers, police and experts on mission on issues relating to potential cases of trafficking, consistent with the directives, guidelines, standard operating procedures, manuals and training materials issued by the United Nations Department of Peacekeeping Operations;

(*h*) To establish and/or adapt national gender-sensitive and child-friendly referral mechanisms for assistance and protection services for victims and potential child victims of trafficking in persons, including through appropriate services and measures for the physical, psychological and social recovery of child victims of trafficking in persons and for their education, allowing for their recovery and creating a protective environment for them in coordination with existing child protection systems;

3. *Invites* relevant United Nations agencies, funds and programmes, international organizations and humanitarian actors to take into account, as appropriate, the recommendations in the report of the Special Rapporteur on trafficking in persons, especially women and children,85 in order to identify promptly possible cases of trafficking in persons and to pursue human rights-based anti-trafficking responses in conflict, post-conflict, disaster and other emergency situations;

4. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her requests to visit their countries, to provide her with all necessary information relating to the mandate and to react promptly to her urgent appeals;

5. *Strongly encourages* Governments to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the High Commissioner[84] as a useful tool in integrating a human rights-based approach into their responses to combat trafficking in persons;

6. *Urges* States to establish or strengthen national programmes and to engage in bilateral, subregional, regional and international cooperation, including by forging regional

initiatives or plans of action,[86] to address the problem of trafficking in persons in accordance with a victim-centred approach;

7. *Also urges* States that have not yet done so to consider ratifying or acceding to, as a matter of priority, the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, taking into consideration the central role of those instruments in the fight against trafficking in persons, and urges States parties to those instruments to implement them fully and effectively;

8. *Further urges* States, the United Nations and other international, regional and subregional organizations, as well as civil society, including non-governmental organizations, the private sector and the media, to implement fully and effectively the relevant provisions of the United Nations Global Plan of Action to Combat Trafficking in Persons and to carry out the activities outlined therein;

9. *Calls upon* Governments to intensify their efforts to address, with a view to eliminating, the demand that fosters the trafficking of women and children for all forms of exploitation, and in this regard to put in place or to enhance preventive measures, including legislative and punitive measures, to deter exploiters of trafficked persons, and to ensure their accountability;

10. *Also calls upon* Governments, the international community and all other organizations and entities that deal with conflict, post-conflict, disaster and other emergency situations to address the heightened vulnerability of women and children to trafficking and exploitation and associated gender-based violence, and to include the prevention of the trafficking of affected women and children in all such national, regional and international initiatives;

11. *Urges* Governments to devise, enforce and strengthen effective gender- and age-sensitive measures to combat and eliminate all forms of trafficking in women and children, including for sexual and economic exploitation, as part of a comprehensive anti-trafficking strategy that integrates a human rights perspective, and to draw up, as appropriate, national action plans in this regard;

12. *Also urges* Governments to ensure that the prevention of and responses to trafficking in persons continue to take into account the specific needs of women and girls and their participation in and contribution to all phases of preventing and responding to trafficking, especially in addressing specific forms of exploitation, such as sexual exploitation;

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[86] Such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Coordinated Mekong Ministerial Initiative against Trafficking, the Action Plan for the Asia-Pacific region of the Asian Regional Initiative against Trafficking in Persons, especially Women and Children, the Convention against Trafficking in Persons, Especially Women and Children, of the Association of Southeast Asian Nations and its Plan of Action, the initiatives of the European Union on a comprehensive European policy and programmes on trafficking in human beings, as expressed in the European Union Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, the activities of the Council of Europe and the Organization for Security and Cooperation in Europe, the activities of the Council of the Baltic Sea States, the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, the Organization of American States Meetings of National Authorities on Trafficking in Persons, the Commonwealth of Independent States Agreement on Cooperation in Combating Trafficking in Persons, Human Organs and Tissues, and the activities of the International Labour Organization and the International Organization for Migration in this field.

13. *Calls upon* all Governments to criminalize all forms of trafficking in persons, and to bring to justice and punish the offenders and intermediaries involved in trafficking in persons;

14. *Urges* Governments, in accordance with their respective legal systems, to take all appropriate measures, including through policies and legislation, to ensure that victims of trafficking are protected from prosecution or punishment for acts that they have been compelled to commit as a direct consequence of having been trafficked, and that the victims do not suffer from revictimization as a result of actions taken by government authorities, and encourages Governments to prevent, within their legal frameworks and in accordance with national policies, victims of trafficking in persons from being prosecuted or punished as a direct consequence of their illegal entry or residence;

15. *Invites* States and other interested parties to make further voluntary contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children;

16. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur on trafficking in persons, especially women and children, receives the resources necessary to enable the mandate holder to discharge the mandate fully;

17. *Decides* to continue consideration of the issue of trafficking in persons, especially women and children, in accordance with its annual programme of work.

42nd meeting
30 June 2016

[Adopted without a vote.]

32/4. Elimination of discrimination against women

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and all other relevant international human rights instruments,

Recalling the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions on the elimination of discrimination against women adopted by the Human Rights Council, the General Assembly, the Security Council and other United Nations agencies and bodies,

Welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its integration into all goals and targets of the 2030 Agenda for Sustainable Development,[87] including in its health-related provisions, and the adoption of the Addis Ababa Action Agenda,[88]

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[87] General Assembly resolution 70/1.

[88] General Assembly resolution 69/313, annex.

Underscoring that international human rights treaties prohibit discrimination on the basis of gender, and include guarantees to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the basis of equality,

Stressing that health is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity,

Emphasizing that realizing the rights of women and girls that are equal to those of men and boys in the context of health and safety requires the provision of differential services, treatment and medicines in accordance with their specific needs throughout their life cycle, which are distinctively different to those of men, and the elimination of the social and economic barriers that may make them more vulnerable,

Recognizing that the quality of women's health care is often deficient in various ways, depending on local circumstances, and that women are frequently not treated with respect, nor are they guaranteed privacy and confidentiality, nor do they always receive full information about the options and services available,

Reaffirming that the human rights of women include a woman's right to have control over, and to decide freely and responsibly on, matters related to her sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships between women and men in matter of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing that health policies and programmes often perpetuate gender stereotypes and fail to consider socioeconomic disparities and other differences among women, and may not fully take account of the lack of autonomy of women regarding their health, and that women's health is also affected by gender bias in the health system and by the provision of inadequate and inappropriate medical services to women,

Reaffirming that the Beijing Declaration and Platform of Action and the outcome documents of its reviews, and the outcomes of relevant major United Nations conferences and summits and the follow-up to them, have laid a solid foundation for sustainable development, and that the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action will make a crucial contribution to the implementation of the 2030 Agenda for Sustainable Development that will leave no one behind,

Recognizing while deeply regretting that many women and girls, particularly those belonging to marginalized groups or in a vulnerable situation, face multiple and intersecting forms of discrimination and are still subjected to discriminatory laws and practices, and that de jure and de facto equality has not been achieved,

Expressing concern about the disparate impact of poverty, global economic crises, austerity measures, climate change, armed conflict and natural disasters on women's and girls' health and well-being,

1. *Takes note* of the report of the Working Group on the issue of discrimination against women in law and in practice with regard to health and safety, and the work undertaken since its establishment;[80]

2. *Reiterates* that States should take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health-care services, including those related to family planning, and that States should ensure for women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation;

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[80] A/HRC/32/44.

3. *Affirms* that realizing human rights requires the full, effective and meaningful participation and contribution of women and girls in all aspects of life, on an equal footing with men and boys;

4. *Calls upon* States to ensure women's and girls' equal access to accessible, affordable, available, appropriate, effective and high-quality health care and services, and to eliminate legal, administrative, financial and social barriers that hinder women's right to the full enjoyment of the highest attainable standard of physical and mental health, particularly when designing policy measures, programmes and resource allocations;

5. *Also calls upon* States to ensure women's equal right to the full enjoyment of the highest attainable standard of physical and mental health, and to promote the integration of the distinct needs of each phase of their life cycle through their differential health treatment;

6. *Urges* States to take steps to ensure that laws, policies and practices respect women's equal right to decide autonomously in matters regarding their own lives and health, including their bodies, by repealing discriminatory laws relating to third-party authorization for health information and services, and combating gender stereotypes and behaviours that discriminate against them;

7. *Calls upon* States to promote a human rights-based approach to women's health, and to foster a functioning health system, with adequate supplies, equipment, trained personnel and infrastructure, and an efficient system of communication, referral and transport to support women's right to the full enjoyment of the highest attainable standard of physical and mental health;

8. *Recognizes* the need to pay specific attention and to take differentiated measures, including special protection and support services, when addressing multiple and intersecting forms of discrimination against women and girls;

9. *Calls upon* States to monitor and prevent unlawful forced institutionalization and overmedication, and to ensure non-discrimination in relation to women's mental health;

10. *Urges* States to adopt effective measures and to enact laws and policies to prevent and eliminate harmful practices, such as child, early and forced marriage or female genital mutilation and cutting;

11. *Also urges* States to ensure the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks, and to strengthen health systems that make quality comprehensive sexual and reproductive health-care services, commodities, information and education universally accessible and available, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, and safe abortion where such services are permitted by national law, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, while recognizing that human rights include the right to have control over and to decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

12. *Further urges* States to ensure equal access to and equal treatment of women and men in education and health care, and to enhance women's sexual and reproductive health as well as education, including by, inter alia, training health providers and other health-care workers on gender equality and non-discrimination, respect for women's rights and dignity, in lifesaving obstetric care and when giving birth, especially midwives and

auxiliary nurses, ensuring the affordability of medicines and treatments, avoiding the overmedicalization of women's health, acknowledging alternative medicine, abolishing discriminatory practices that hinder women's access to health services, and providing age-appropriate, sexual health information, education and counselling, based on scientific evidence and human rights, for women, girls, men and boys;

13. *Urges* States to take all appropriate measures to ensure equal access of women with disabilities to health services that are gender sensitive, including health-related rehabilitation;

14. *Also urges* States to adopt a holistic approach to maternal health, one of the elements of the full spectrum of women's health, by reducing maternal mortality and morbidity by promoting access to family planning and proper prenatal care, skilled attendance at birth, postnatal care and methods of prevention, including affordable treatment and support services for sexually transmitted infections, such as HIV/AIDS, free of stigma and discrimination;

15. *Underlines* the need to take measures to exercise due diligence and accountability to ensure that health services and medications are provided in a gender-responsive and non-discriminatory way;

16. *Stresses* the need to accelerate efforts at all levels to eliminate all forms of violence against women and girls, including domestic violence, violence on their way to or at school, in other public spaces and in health facilities;

17. *Recommends* that States collect data, prepare statistics disaggregated by age, disability and sex, and conduct multidisciplinary research reflecting specific issues related to women's health and safety;

18. *Reaffirms* the importance of significantly increased investment to close resource gaps for achieving gender equality and the empowerment of all women and girls, including through the mobilization of financial resources from all sources;

19. *Recognizes* that civil society organizations, including independent women's organizations and human rights defenders, do important work in promoting full equality in all aspects of life, including women's health, and in eliminating violence against women and girls, and that they therefore require support for their sustainability, safety and growth;

20. *Decides* to extend the mandate of the Working Group on the issue of discrimination against women in law and in practice for a period of three years, on the same terms as provided for by the Human Rights Council in its resolution 23/7 of 13 June 2013;

21. *Calls upon* all States to cooperate with and assist the Working Group in its tasks, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

22. *Invites* relevant United Nations agencies, funds and programmes, the treaty bodies, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and reporting, on request;

23. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.

42nd meeting
30 June 2016

[Adopted without a vote.]

32/5. Human rights and arbitrary deprivation of nationality

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality,

Reaffirming its resolutions 7/10 of 27 March 2008, 10/13 of 26 March 2009, 13/2 of 24 March 2010, 20/4 of 5 July 2012, 20/5 of 16 July 2012 and 26/14 of 26 June 2014, and all previous resolutions adopted by the Commission on Human Rights on the issue of human rights and the arbitrary deprivation of nationality,

Reaffirming also its resolution 19/9 of 22 March 2012, in which it took into consideration the fact that persons without birth registration may be vulnerable to statelessness and associated lack of protection,

Recognizing the authority of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Reaffirming the importance of the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness as a means of preventing and reducing statelessness and ensuring the protection of stateless persons,

Recalling the Convention on the Rights of the Child, in particular its articles 3, 7 and 8, which recognize the principle of the best interests of the child and guarantee the right of the child to be registered immediately after birth and to acquire nationality,

Noting the provisions of other international human rights instruments and international instruments on statelessness and nationality recognizing the right to acquire, change or retain nationality or prohibiting arbitrary deprivation of nationality, inter alia, article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3 of the International Covenant on Civil and Political Rights, articles 1 to 3 of the Convention on the Nationality of Married Women, article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, as well as relevant regional instruments,

Noting also general recommendation No. 30 (2004) of the Committee on the Elimination of Racial Discrimination,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law, as well as by instruments on statelessness, including, with respect to State parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 70/135 of 17 December 2015, in which the Assembly, inter alia, urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons, *Welcoming* the launch in November 2014 by the United Nations High Commissioner for Refugees of the 10-year global #IBelong Campaign to End Statelessness,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying them to individuals in their populations because of nationality, ethnicity, race, religion or language,

Recalling General Assembly resolutions on the issue of the nationality of natural persons in relation to the succession of States, in particular resolutions 55/153 of 12 December 2000, 59/34 of 2 December 2004, 63/118 of 11 December 2008 and 66/92 of 9 December 2011, in which the Assembly invited States to take into account the provisions of the articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission in dealing with issues of nationality of natural persons in relation to the succession of States,

Recalling also the 2030 Agenda for Sustainable Development,[96] and recalling further its goal 16, target 9, to provide legal identity for all, including birth registration,

Acknowledging that the principle of non-discrimination applies to the interpretation and realization of the right to nationality,

Recognizing that the arbitrary deprivation of nationality disproportionately affects persons belonging to minorities, and recalling the work done by the Special Rapporteur on minority issues on the subject of the right to nationality,

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Acknowledging that incidents of discriminatory deprivation of nationality, including without a clear legislative basis or for which a legislative basis was exceptionally created, have been a source of widespread suffering and statelessness in the past,

Noting that some of the situations mentioned above remain unresolved to this day and have led to intergenerational statelessness, which affects the children and grandchildren of those originally deprived of their nationality,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness, and in this regard expressing concern at various forms of discrimination against stateless persons that may violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right enshrined in, inter alia, the Universal Declaration of Human Rights;

2. *Stresses* that the arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status, including disability, is a violation of human rights and fundamental freedoms;

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[96] General Assembly resolution 70/1.

3. *Emphasizes* that the statelessness of a person resulting from the arbitrary deprivation of his or her nationality cannot be invoked by States as a justification for the denial of other human rights;

4. *Calls upon* States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including disability, especially if such measures and legislation render a person stateless;

5. *Urges* States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with the principles of international law, in particular by preventing the arbitrary deprivation of nationality and statelessness as a result of State succession;

6. *Encourages* States to grant their nationality to persons who had habitual residence in their territory before it was affected by the succession of States, especially if those persons would otherwise become stateless;

7. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of the arbitrary deprivation of nationality, and that such individuals are placed in a situation of increased vulnerability to human rights violations;

8. *Expresses its concern* that persons arbitrarily deprived of nationality may be affected by poverty, social exclusion and limited legal capacity, which have an adverse impact on their enjoyment of relevant civil, political, economic, social and cultural rights, in particular in the areas of education, housing, employment, health and social security;

9. *Reaffirms* that every child has the right to acquire a nationality, and recognizes the special needs of children for protection against arbitrary deprivation of nationality;

10. *Also reaffirms* that the primary purpose of protecting the right of every child to acquire a nationality is to prevent a child from being afforded less protection because he or she is stateless;

11. *Reiterates* that the right to identity is intimately linked to the right of nationality;

12. *Urges* States to register every child's birth, regardless of the child's or the child's parents' nationality, statelessness or legal status, and to ensure that proof of identity is available to all children;

13. *Calls upon* States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness and are subject to review, in conformity with their international human rights obligations;

14. *Urges* States in regulating loss and deprivation of nationality to ensure incorporation in their domestic law of safeguards to prevent statelessness;

15. *Calls upon* States to ensure that such safeguards are implemented and access of persons arbitrarily deprived of their nationality to effective remedies, including, but not limited to, restoration of nationality, is provided;

16. *Also calls upon* States to consider whether loss or deprivation of nationality is proportionate to the interest to be protected by the loss or deprivation, including in the light of the severe impact of statelessness, and to consider alternative measures that could be adopted;

17. *Urges* States to refrain from automatically extending the loss or deprivation of nationality to a person's dependents;

18. *Welcomes* the report of the Secretary-General submitted to the Human Rights Council in accordance with its resolution 26/14,[81] and the conclusions and recommendations contained therein;

19. *Stresses* that the arbitrary deprivation of nationality places children in a situation of increased vulnerability to human rights violations;

20. *Urges* States to ensure that children deprived of nationality enjoy fully their human rights, including the rights to an identity, education, health, an adequate standard of living, family life and freedom of movement;

21. *Also urges* States to ensure that children deprived of nationality are protected at all times against all human rights violations, including exploitation, trafficking, torture or other cruel, inhuman or degrading treatment and the arbitrary deprivation of liberty;

22. *Encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction on Statelessness if they have not already done so;

23. *Welcomes* the ongoing efforts made in the field of reduction of statelessness and combating arbitrary deprivation of nationality by different United Nations bodies and entities and human rights treaty bodies;

24. *Urges* relevant United Nations human rights mechanisms and appropriate treaty bodies, and encourages the Office of the United Nations High Commissioner for Refugees, to continue to collect information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources, and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

25. *Encourages* States to cooperate fully with such international initiatives as the global #IBelong Campaign to End Statelessness, and to respect their commitments under the 2030 Agenda for Sustainable Development, including goal 16, target 9, which relates to the provision of legal identity for all, including birth registration;

26. *Decides* to continue its consideration of this issue in accordance with its programme of work.

42nd meeting
30 June 2016

[Adopted without a vote.]

32/6. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, and relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

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[81] A/HRC/31/29.

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals,

Recalling also all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international cooperation in the field of human rights, the latest of which being Council resolution 28/2 of 26 March 2015 and Assembly resolution 70/153 of 17 December 2015,

Recalling further the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Underlining that cooperation is a matter not only of relations of good neighbourliness, coexistence or reciprocity, but also of a willingness to look beyond mutual interests in order to advance the general interest,

Stressing the importance of international cooperation for improving the living conditions of all in every country, including in particular in developing countries,

Recognizing the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development,

Recognizing that the enhancement of international cooperation and genuine dialogue is significant to promote the effective functioning of the international human rights system,

Reiterating the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish also a voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help States to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the State concerned,

Reaffirming that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Reiterating the important role that genuine human rights dialogue could play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

Emphasizing that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

Recognizing that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

Stressing the need to explore ways and means for enhancing genuine cooperation and constructive dialogue among Member States in the field of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

4. *Underlines* the fact that States have pledged themselves to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

6. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and

the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

7. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

8. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

9. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and in international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

10. *Emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, and to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

11. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

12. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

13. *Also emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

14. *Takes note* of the consolidated annual written update on the operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review submitted to the Human Rights Council at its twenty-fourth session;[92]

15. *Also takes note* of the compilation prepared by the Office of the United Nations High Commissioner for Human Rights of the views of States and relevant stakeholders on the contribution of the Voluntary Fund for Financial and Technical Assistance,[93] in particular with regard to its sustainability and accessibility, to the implementation of recommendations accepted by States as part of their universal periodic review that required financial support;

16. *Requests* the Office of the High Commissioner to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broaden the donor base and to replenish the resources available to both funds;

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[92] A/HRC/24/56.

[93] A/HRC/19/50.

17. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from both funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

18. *Urges* States to continue to support both funds;

19. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

20. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

21. *Urges* States to take the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

22. *Requests* all Member States and the United Nations system to foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

23. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

24. *Recalls* that, in its resolution 70/153, the General Assembly requested the Secretary-General, in collaboration with the High Commissioner, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and genuine dialogue in the United Nations human rights machinery, including the Human Rights Council;

25. *Takes note* of the report of the Human Rights Council Advisory Committee on the ways and means to enhance international cooperation in the field of human rights;[94]

26. *Also takes note* of the report of the Office of the High Commissioner on the enhancement of international cooperation in the field of human rights, taking into account the discussion conducted by the high-level panel on human rights mainstreaming held during the twenty-eighth session of the Council;[95]

27. *Decides* to continue its consideration of the matter in 2017, in accordance with its annual programme of work.

42nd meeting
30 June 2016

[Adopted without a vote.]

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[94] A/HRC/26/41.
[95] A/HRC/31/81.

32/7. The right to a nationality: women's equal nationality rights in law and in practice

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality, and article 2 of the same Declaration, according to which everyone is entitled to the rights and freedoms set forth in the Declaration without distinction of any kind, including on the basis of sex,

Recalling its adoption of resolutions 13/2 of 24 March 2010 on arbitrary deprivation of nationality, 20/4 of 5 July 2012 on the right to nationality, and 28/13 of 26 March 2015 on birth registration,

Bearing in mind the challenges still faced by all countries throughout the world to achieve gender equality and the empowerment of all women and girls,

Noting the provisions of international and regional human rights instruments recognizing the equal right to nationality, including article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, and article 5 (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination,

Taking into account the fact that article 9 of the Convention on the Elimination of All Forms of Discrimination against Women recognizes that women have equal rights with men to acquire, change or retain their nationality and with respect to the nationality of their children,

Noting that, in its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee on the Elimination of Discrimination against Women seeks to ensure equality between men and women in the ability to confer their nationality on their spouse,

Noting also the provisions of international and regional human rights and other instruments recognizing the right of every child to acquire a nationality and specifying the obligations of States parties to register every child immediately after birth, including internally displaced, refugee and migrant children, inter alia, article 24, paragraphs 2 and 3 of the International Covenant on Civil and Political Rights, article 7 of the Convention on the Rights of the Child, and article 18, paragraph 1 (a) of the Convention on the Rights of Persons with Disabilities, and the role that birth registration plays in confirming nationality and preventing statelessness,

Recalling that, following the United Nations Fourth World Conference on Women, delegates from 189 countries pledged, based on the 1995 Beijing Declaration and Platform for Action, to revoke any remaining laws that discriminate on the basis of sex,

Noting the pledge made in the political declaration of the fifty-ninth session of the Commission on the Status of Women to take further concrete action to ensure the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action and the outcome documents of the twenty-third special session of the General Assembly, including through strengthened implementation of laws, policies, strategies and programme activities for all women and girls, and the agreed conclusions of the Commission on the Status of Women at its sixtieth session, in which it further urged States to eliminate all forms of discrimination against women and girls through the removal, where they exist, of discriminatory provisions in legal frameworks, including punitive provisions, and setting up legal, policy, administrative and other comprehensive measures, including temporary special measures as appropriate, to ensure women's and girls' equal and effective access to justice and accountability for violations of human rights of women and girls,"[96]

Welcoming the global 10-year campaign to end statelessness by 2024 of the Office of the United Nations High Commissioner for Refugees, which calls for the removal of gender-based discrimination from nationality laws worldwide as a crucial step to eradicating statelessness,

Welcoming also the Global Campaign for Equal Nationality Rights by an international coalition of organizations concerned by this issue,

Welcoming further the adoption of the 2030 Agenda for Sustainable Development,[97] recalling that it includes targets on eliminating discrimination against all women and girls, eliminating all discriminatory laws, policies and practices and providing a legal identity for all, and recognizing that equal nationality rights for women can contribute to the achievement of the 2030 Agenda,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on discrimination against women on nationality-related matters, including the impact on children,[98] as requested by the Human Rights Council in its resolution 20/4,

Welcoming also the recent actions taken by States to reform, or make a clear commitment to reform, their nationality laws to grant equal nationality rights to women,

Noting recent regional initiatives to reform nationality laws that discriminate against women and girls, such as the 2015 Abidjan Declaration of Ministers of Member States of the Economic Community of West African States on the eradication of statelessness, the 2014 Brazil Declaration and Plan of Action on strengthening the international protection of refugees, displaced and stateless persons in Latin America and the Caribbean, and other regional initiatives, including the resolution on legal identity for children, adopted in 2016 in Lusaka by the 134th Inter-Parliamentary Union Assembly, the first conclusions on statelessness adopted by the Council of the European Union in 2015, the African Union initiative to develop a draft protocol on the right to a nationality in Africa, the seven-point plan of action that resulted from the meeting of Parliamentarians held on 26 and 27 November 2015 in Cape Town, South Africa, which focused on the role of parliaments in preventing and ending statelessness, and the Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime, which underscored the importance of regional and international cooperation,

Recognizing that discrimination against women and girls in nationality laws persists in almost all regions of the world, and remains a significant cause of statelessness among men, women and children,

Bearing in mind that discrimination against women and girls in nationality laws can have far-reaching consequences for entire families, including lack of documentation, which increases vulnerability to human rights abuses and violations, arbitrary arrest and detention, inability to work and marry legally, lack of freedom of movement, the worst forms of child labour, child, early and forced marriage, denial of property and land ownership, family separation, diminished access to education and health care, economic hardship, human trafficking and social and political marginalization,

Noting that, among displaced, migrant and refugee populations, gender inequality in nationality laws may leave children born in woman-headed households, including those headed by indigenous women, at risk of statelessness and may pose a barrier to children's eventual voluntary return to the country of their parents' residence,

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[96] See *Official Records of the Economic and Social Council, 2016, Supplement No. 7* (E/2016/27), chap. I, para. 23 (d).

[97] General Assembly resolution 70/1.

[98] A/HRC/23/23.

1. *Reaffirms* that the right to a nationality is a universal human right enshrined in the Universal Declaration of Human Rights, and that every man, woman and child has the right to a nationality, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

2. *Recognizes* that it is up to each State to determine by law who its nationals are, provided that such determination is consistent with its obligations under international law, including with respect to non-discrimination;

3. *Calls upon* all States to adopt and implement nationality legislation consistent with their obligations under international law, including with respect to the elimination of all forms of discrimination against women and girls in nationality-related matters, and with a view to preventing and reducing statelessness;

4. *Urges* all States to refrain from enacting or maintaining discriminatory nationality legislation with a view to avoiding statelessness and loss of nationality, preventing vulnerability to human rights violations and abuses, decreasing the risk of exploitation and abuse, and promoting gender equality in the acquisition, change, retention or conferral of nationality;

5. *Urges* States to take immediate steps to reform nationality laws that discriminate against women by granting equal rights to men and women to confer nationality on their children and spouses and regarding the acquisition, change or retention of their nationality;

6. *Urges* States that have reformed nationality laws to ensure the effective implementation of the laws, including through awareness-raising and publicity, and gender-sensitive training of public officials, including judges and local leaders, and targeted outreach to civil society to engage relevant communities;

7. *Urges* States to ensure that men and women have equal access to documents used to prove nationality, in particular passports, identity documents and birth, and where relevant, marriage certificates;

8. *Calls upon* States to identify and remove physical, administrative, procedural and any other barriers, especially those targeting women, that impede access to registration of vital life events including birth, marriage and death registration, and including late registration and associated fees, paying due attention to, among others, barriers relating to poverty, age, disability, gender, nationality, displacement, illiteracy and detention contexts, and to persons in vulnerable groups, and to remove barriers to birth registration based on discrimination against unwed mothers;

9. *Also calls upon* States to ensure that effective and appropriate remedies are available to all persons, in particular women and children, whose right to a nationality has been violated, including restoration of nationality and expedient provision of documentary proof of nationality by the State responsible for the violation;

10. *Encourages* relevant special procedures of the Human Rights Council, including the Working Group on the issue of discrimination against women in law and in practice, as well as specialized agencies, funds and programmes, and United Nations entities, including the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women, and invites treaty bodies, in coordination with the Office of the United Nations High Commissioner for Refugees, to address and highlight issues relating to the right to a nationality and statelessness within their mandates;

11. *Encourages* States to continue to raise these issues in the universal periodic review process;

12. *Also encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the Convention on the Elimination of All Forms of Discrimination against Women, and other relevant international human rights conventions if they have not already done so;

13. *Calls upon* States to implement their international legal obligations to combat human trafficking, including the identification of potential victims of trafficking and the provision of appropriate assistance to stateless persons who may be victims of trafficking, paying particular attention to the needs and vulnerabilities of trafficked women and children;

14. *Calls upon* all States to ensure that all persons, regardless of their nationality status, enjoy their human rights and fundamental freedoms;

15. *Encourages* States to facilitate, in accordance with their national laws, the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless;

16. *Urges* States to take concrete action to ensure the full and effective implementation of the Beijing Declaration and Platform for Action and the outcomes of its reviews, and to ensure non-discrimination under the law, including with respect to nationality;

17. *Recognizes* the importance of international cooperation, and encourages States to request technical assistance, if required and where appropriate, from relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders, in order to make reforms to eliminate from their nationality laws all forms of discrimination against women;

18. *Encourages* States to address women's equal nationality rights, and the challenge of statelessness and vulnerability that emerges when they are not fully respected and implemented, when developing, implementing and monitoring national plans of action or other relevant mechanisms for the realization of the 2030 Agenda for Sustainable Development, recognizing the need to ensure gender equality and empowerment of women and girls and to provide legal identity for all; and encourages development actors to support the capacity of Governments to implement these efforts;

19. *Also encourages* States to develop and implement national plans of action to end statelessness, taking into account the guidance set forth in the global 10-year campaign to end statelessness by 2024 of the Office of the United Nations High Commissioner for Refugees, and further encourages the Office to provide technical assistance to support these efforts, if requested and as appropriate;

20. *Requests* the United Nations High Commissioner for Human Rights, in coordination with the United Nations High Commissioner for Refugees:

(*a*) To organize, prior to the thirty-sixth session of the Human Rights Council, a half-day expert workshop to showcase best practices to promote women's equal nationality rights in law and in practice, including the ability of women to confer their nationality on their spouse;

(*b*) To encourage States, relevant United Nations bodies, funds and programmes, intergovernmental organizations, treaty bodies, special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other relevant stakeholders to participate actively in the workshop;

(*c*) To prepare a summary report on the above-mentioned workshop, including any recommendations stemming therefrom, and to submit it to the Human Rights Council at its thirty-sixth session.

42nd meeting
30 June 2016

[Adopted without a vote.]

32/8. Mandate of the Special Rapporteur on the right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, and all resolutions of the Commission on Human Rights on the issue,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the right to food for a period of three years to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 6/2 of 27 September 2007;

2. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

3. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in her task by supplying all necessary information requested by the mandate holder, and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable her to fulfil the mandate more effectively;

4. *Requests* the Special Rapporteur to report annually on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance to their respective programmes of work.

42nd meeting
30 June 2016

[Adopted without a vote.]

32/9. Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005 and Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008, 9/2 of 24 September 2008, 12/9 of 1 October 2009, 15/13 of 30 September 2010, 17/6 of 16 June 2011, 18/5 of 29 September 2011, 21/10 of 27 September 2012, 23/12 of 13 June 2013, 26/6 of 26 June 2014 and 29/3 of 2 July 2015, *Underlining* the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient, and in this context reaffirming the critical relevance of international solidarity to the implementation of the 2030 Agenda for Sustainable Development,[66]

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Reaffirming also the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Affirming the fact that the achievement of the Sustainable Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

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[66] General Assembly resolution 70/1.

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Reiterates its determination* to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

5. *Recognizes* that international solidarity shall be a new foundational principle underpinning contemporary international law that responds to the need for transformative change encompassing the objectives of equity, equality in outcome, sustainability, security, social justice and empowerment and is applicable to all countries, both developing and developed;

6. *Also recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, by civil society, by global social movements and by countless people of goodwill reaching out to others, and that this solidarity is commonly practised at the national, regional and international levels;

7. *Acknowledges* the increased need for States and other actors to come together and take collective action in solidarity;

8. *Welcomes* the report of the Independent Expert on human rights and international solidarity[100] and the work conducted by her, including the five regional consultations on the draft declaration on the right of peoples and individuals to international solidarity held in 2015 and 2016 as mandated by the Human Rights Council in its resolution 26/6;

9. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in her mandate, and to supply all necessary information requested by her, and requests States to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries to enable her to fulfil her mandate effectively;

10. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the achievement of the 2030 Agenda for Sustainable Development, especially those goals relating to economic, social and climate issues, and invites Member States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these international forums and major events;

11. *Also requests* the Independent Expert to convene a meeting with experts from the five geographical regions to assist in finalizing the draft declaration on the right of peoples and individuals to international solidarity, and requests the Office of the United Nations High Commissioner for Human Rights to assist the Independent Expert in

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[100] A/HRC/32/43.

conducting a legal review of the draft declaration prior to its submission to the Human Rights Council in 2017;

12. *Further requests* the Independent Expert to undertake thematic research on the importance of international solidarity in realizing the human rights of peoples and individuals, including on impediments to mainstreaming it, to assist States, intergovernmental organizations and civil society to actively engage in promoting the important role of international solidarity in the achievement of the 2030 Sustainable Development Agenda, especially in economic, social and climate issues, while paying particular attention to Goal 17 and the related indicator;

13. *Requests* the Secretary-General and the High Commissioner to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;

14. *Reiterates its request* to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to continue to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of her mandate;

15. *Requests* the Independent Expert to report regularly to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

16. *Decides* to continue its consideration of this matter under the same agenda item.

42nd meeting
30 June 2016

[Adopted by a recorded vote of 33 to 13, with 1 abstention. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Nigeria, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Albania, Belgium, France, Georgia, Germany, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Mexico]

32/10. Business and human rights: improving accountability and access to remedy

The Human Rights Council,

Recalling its resolutions 8/7 of 18 June 2008, 17/4 of 6 July 2011, 21/5 of 27 September 2012 and 26/22 of 27 June 2014, and Commission on Human Rights resolution 2005/69 of 20 April 2005, and noting Human Rights Council resolution 26/9 of 14 July

2014, all on the issue of human rights and transnational corporations and other business enterprises,

Recalling in particular that the endorsement of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4 established an authoritative framework to prevent and address adverse human rights impact from business activities, based on the three pillars of the United Nations "Protect, Respect and Remedy" Framework,

Stressing that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights,

Concerned at legal and practical barriers to remedies for victims of business-related human rights abuses, which may leave those aggrieved without opportunity for effective remedy, including through judicial and non-judicial avenues,

Expressing concern at reports of intimidation against victims, witnesses and their legal representatives regarding cases of business-related human rights abuses, and emphasizing the need to ensure their safety,

Reaffirming that, as part of their duty to protect against business-related human rights abuses, States should take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses are committed within their territory and/or jurisdiction, those affected have access to effective remedy,

Reaffirming in particular that effective judicial mechanisms are at the core of ensuring access to remedy and that States should take appropriate steps to ensure the effectiveness of such mechanisms when addressing business-related human rights abuses, including in cross-border cases,

Recalling that States should provide effective and appropriate non-judicial grievance mechanisms as part of a comprehensive State-based system of remedy for business-related human rights abuses, and that such mechanisms play an essential role in complementing and supplementing judicial mechanisms,

Recognizing that addressing legal and practical barriers to accountability and remedy for victims of business-related abuse requires concerted and comprehensive efforts from all States, including, as appropriate, the development of legislative and regulatory frameworks, improvements in the functioning of judicial mechanisms, law enforcement, the development of policy and of practice, transparency and closer international cooperation, including in cross-border cases,

Recognizing also the positive and valuable role played by civil society, including non-governmental organizations, in the promotion and protection of human rights, including in the context of corporate activity and when seeking accountability and assisting victims in their access to effective remedies in cases of business-related human rights abuses, and reaffirming that States are under the obligation to protect all human rights and the fundamental freedoms of all persons,

Recognizing further the important role of national human rights institutions in supporting activities to improve accountability and access to remedy for victims of business-related human rights abuses, including through the effective implementation of the Guiding Principles on Business and Human Rights,

Recalling that business enterprises should comply with national laws and with the requirements of judicial processes, address any adverse human rights impact they cause or contribute to, and not engage in any actions that might weaken the integrity of judicial processes, *Recognizing* the shared interest of business, States and civil society in an environment that is pluralistic and non-discriminatory, upholding the rule of law and promoting transparency, and that responsible business enterprises benefit from and often depend upon legal certainty, transparency and predictability, and fair and effective domestic judicial mechanisms,

1. *Welcomes* the work of the United Nations High Commissioner for Human Rights on improving accountability and access to remedy for victims of business-related human rights abuse, and notes with appreciation his report on improving accountability and access to judicial remedy for business-related human rights abuse;[101]

2. *Recognizes* that the effective implementation of the Guiding Principles on Business and Human Rights includes implementation of the access to remedy pillar, and encourages all States to take appropriate steps to improve corporate accountability and access to remedy for victims of business-related human rights abuses;

3. *Also recognizes* that enhancing dialogue and cooperation among all stakeholders, and creating and maintaining an enabling environment for civil society, including non-governmental organizations and those engaged in the promotion and protection of human rights and fundamental freedoms, contribute to improving accountability and access to remedy for victims of business-related human rights abuses, as reflected in the Guiding Principles, including the access to remedy pillar;

4. *Encourages* States to consider undertaking a review of the coverage and effectiveness of domestic law regimes that are related to respect by business enterprises for human rights with a view to improving accountability and access to effective remedy in cases of business involvement in human rights abuses, taking into account the legal and practical challenges arising from the organization and management of business enterprises and complex global supply chains, drawing, as appropriate, from the report of the High Commissioner;[101]

5. *Also encourages* States to develop a comprehensive strategy for improving accountability and access to remedy, as appropriate, including by taking the report of the High Commissioner into consideration, in a manner appropriate to local legal structures, traditions, challenges and needs, for instance as a part of national action plans on business and human rights and through other related initiatives;

6. *Further encourages* States to take steps to improve the effectiveness of international cooperation between State agencies and judicial bodies with respect to law enforcement of domestic legal regimes to address business-related human rights abuses;

7. *Invites* States to work through relevant intergovernmental processes to enhance accountability and access to remedy for victims in cases of business involvement in human rights abuses;

8. *Invites* regional and international bodies responsible for promoting and facilitating international cooperation with respect to cross-border investigation, legal assistance and enforcement of judicial decisions to take steps to improve the speed and effectiveness of such cooperation in cross-border cases of business-related human rights abuses through legal, practical and capacity-building means;

9. *Calls upon* all business enterprises to meet their responsibility to respect human rights as stated in the Guiding Principles and in other applicable standards, including for example by actively contributing to initiatives aimed at fostering a culture of respect for the rule of law, participating in good faith in domestic judicial processes, and by

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[101] A/HRC/32/19 and Add.1.

establishing effective operational-level mechanisms to enable the early resolution of grievances;

10. *Encourages* business enterprises to share publicly information regarding their human rights policies and procedures to enhance stakeholder engagement with respect to business operations and the preventative measures that businesses can take;

11. *Recognizes* the role of the Working Group on the issue of human rights and transnational corporations and other business enterprises in promoting the effective implementation of the Guiding Principles and exploring options for enhancing access to effective remedies, including by, inter alia, using the report of the High Commissioner to provide guidance on the development and implementation of national action plans and other related initiatives, and requests the Working Group to prepare a study on best practices and how to improve on the effectiveness of cross-border cooperation between States with respect to law enforcement on the issue of business and human rights, drawing on the report as appropriate, and to report to the Human Rights Council at its thirty-fifth session;

12. *Welcomes* the role of the Working Group in guiding the annual Forum on Business and Human Rights and in convening regional forums to discuss challenges and lessons learned in a regional context, and invites the Working Group to include challenges, opportunities and lessons learned when improving accountability and access to judicial remedy for business-related human rights abuse as an item on the agenda of the annual Forum in 2016;

13. *Requests* the High Commissioner to continue his work in this area and to convene two consultations involving representatives of States and other stakeholders on the topics covered in paragraphs 4 to 6 above, and to identify and analyse lessons learned, best practices, challenges and possibilities to improve the effectiveness of State-based non-judicial mechanisms that are relevant for the respect by business enterprises for human rights, including in a cross-border context, and to submit a report thereon to be considered by the Human Rights Council at its thirty-eighth session;

14. *Encourages* all relevant United Nations programmes and agencies to assist States upon their requests, including through technical cooperation and capacity-building activities, and to improve accountability and access to remedy for victims of business-related human rights abuses by using, as appropriate, the recommendations contained in the report of the High Commissioner;

15. *Encourages* national human rights institutions to take into consideration the recommendations in supporting States in activities relating to improving accountability and access to judicial remedy for victims of business-related human rights abuses;

16. *Encourages* civil society, including non-governmental organizations, to take into consideration the advice in the report as appropriate in their activities to improve accountability and access to judicial remedy for victims of business-related human rights abuse;

17. *Emphasizes* the importance of stakeholder dialogue and analysis to maintain and build on the results achieved to date to prevent and address business-related human rights abuses, and to inform further deliberations of the Human Rights Council on business and human rights;

18. *Decides* to continue its consideration of this question in conformity with its annual programme of work.

42nd meeting
30 June 2016

[Adopted without a vote.]

32/11. Mandate of the Special Rapporteur on the human rights of internally displaced persons

The Human Rights Council,

Recalling all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolution 70/165 of 17 December 2015 and Council resolution 23/8 of 13 June 2013,

Recalling also General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the Guiding Principles on Internal Displacement annexed thereto,

Recalling further Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Deeply disturbed by the alarmingly high number of internally displaced persons throughout the world, for reasons including violations and abuses of human rights, violations of international humanitarian law, armed conflict, persecution, violence and terrorism, as well as natural and human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the people affected, including the host communities, and for the international community,

Conscious of the human rights, humanitarian, development and possible peacebuilding dimensions of internal displacement, including in long-term displacement situations, the often heightened vulnerability of women and children, as well as of older persons and persons with disabilities, and the responsibilities of States and the international community to further strengthen their protection and assistance, including by respecting and protecting the human rights and fundamental freedoms of all internally displaced persons, with a view to finding durable solutions,

Noting the need for greater mainstreaming of the human rights of internally displaced persons across the United Nations system in order to address more effectively the challenges they face, including by giving due consideration to the re-establishment of a Representative of the Secretary-General, and welcoming the recommendations of the Special Rapporteur on the human rights of internally displaced persons in this regard,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, without discrimination, including through the facilitation of durable solutions, and to address the root causes of the displacement problem in appropriate cooperation with the international community,

1. *Commends* the Special Rapporteur on the human rights of internally displaced persons for the activities undertaken to date, the catalytic role that he has played in raising the level of awareness of the plight of internally displaced persons, and his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

2. *Welcomes* the report of the Special Rapporteur on the human rights of internally displaced persons submitted to the Human Rights Council at its thirty-second session[102] and the conclusions and recommendations contained therein;

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[102] A/HRC/32/35.

3. *Notes with appreciation* the holding of the World Humanitarian Summit in Istanbul, Turkey, on 23 and 24 May 2016, and recalls the resolve to pursue a new approach to address the needs of internally displaced persons that would meet immediate humanitarian needs and longer-term development outcomes to enhance the self-reliance of internally displaced persons and host communities;

4. *Recalls* that the Secretary-General has urged all stakeholders to commit to a comprehensive global plan to reduce internal displacement, in a dignified and safe manner, by at least 50 per cent by 2030;

5. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons, including through the facilitation of durable solutions and the inclusion of internally displaced persons within their national development plans, and have supported the work of the Special Rapporteur;

6. *Expresses concern* at the persistent problems of the large number of internally displaced persons worldwide, in particular the risk of extreme poverty and socioeconomic exclusion, their limited access to humanitarian assistance and long-term development efforts and assistance, vulnerability to violations of international law, in particular human rights law and international humanitarian law, and difficulties resulting from their specific situation, such as lack of protection, food, shelter, health services, education, disruption to family links and loss of essential documents, and issues pertinent to their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

7. *Also expresses concern* at the problem of protracted internal displacement, and recognizes the need for the integration of the rights and needs of internally displaced persons into both rural and urban development strategies, and for their participation in the design and implementation of these strategies, as well as the need to secure durable solutions, including voluntary return, local integration or settlement elsewhere in the country, in a dignified and safe manner;

8. *Expresses particular concern* about the full range of threats, violations and abuses of human rights and violations of international humanitarian law experienced by many internally displaced persons, including women and children, who are particularly vulnerable or specifically targeted, especially for sexual and gender-based violence and sexual exploitation and abuse, trafficking in persons, forced recruitment and abduction, encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance and protection needs, and calls upon States, in cooperation with international agencies and other stakeholders, to provide protection and assistance to internally displaced persons who are victims of the above-mentioned violations and abuses, as well as other groups of internally displaced persons with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account all relevant resolutions of the General Assembly and the Security Council;

9. *Calls upon* all parties to armed conflict to comply with their obligations under international humanitarian law and international human rights law, as applicable, with a view to preventing forced displacement and promoting the protection of civilians, and calls upon Governments to take measures to respect and protect the human rights of all internally displaced persons, without distinction of any kind, in accordance with their applicable obligations under international law;

10. *Strongly condemns* the continued perpetration of sexual and gender-based violence against internally displaced persons of all ages, with women and girls disproportionately victimized, and urges authorities and the international community to work together for effective prevention and response, security, protection of human rights,

access to justice and victim assistance, and in addressing the causes of violence against women and girls and fighting impunity across the board;

11. *Urges* States and other relevant actors to take into account the specific needs of persons with disabilities and of older persons when promoting and ensuring the protection of the human rights of internally displaced persons, in particular by ensuring that persons with disabilities and older persons have timely, appropriate and equal access to assistance, protection and rehabilitation services, including health care, sexual and reproductive health-care services, psychosocial support and educational programmes;

12. *Calls upon* States, in cooperation with international agencies and other stakeholders, to ensure and support the full and meaningful participation of internally displaced persons, including women, at all levels of decision-making processes and activities that have a direct impact on their lives, in all aspects relating to internal displacement regarding the promotion and protection of human rights, the prevention of human rights violations and abuses, the inclusion in local and national development plans and activities and the design and implementation of durable solutions, including by fostering voluntary return, local integration or settlement elsewhere in the country in a dignified and safe manner, as well as peace processes, peacebuilding, transitional justice, post-conflict reconstruction and development;

13. *Expresses concern* at the internal displacement caused by disasters, exacerbated by the adverse effects of climate change, poverty and other factors, and recognizes the need for a human rights-based approach to disaster risk reduction, early warning, disaster contingency planning, disaster management and mitigation, as well as recovery efforts, to reduce and address disaster displacement, to better protect and attend the needs of affected persons, and to find durable solutions, and recalls the relevant provisions of the Sendai Framework for Disaster Risk Reduction 2015-2030[103] and the Paris Agreement[104] in this regard;

14. *Reaffirms* the recognition of the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, and encourages Member States and humanitarian agencies, as well as development donors and other providers of development assistance, to continue to work together in endeavours to provide a more predictable response to the needs of internally displaced persons, including their need for long-term development assistance for the implementation of durable solutions, and in this regard calls for international support, upon request, for the capacity-building efforts of States;

15. *Decides* to extend the mandate of the Special Rapporteur on the human rights of internally displaced persons for a period of three years:

(*a*) To address the complex problem of internal displacement, in particular by mainstreaming the human rights of the internally displaced into all relevant parts of the United Nations system;

(*b*) To work towards strengthening the international response to the complex problem of situations of internal displacement, and to engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing inclusive dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors;

16. *Requests* the Special Rapporteur on the human rights of internally displaced persons, in carrying out the mandate:

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[103] General Assembly resolution 69/283, annex II.

[104] FCCC/CP/2015/10/Add.1.

(*a*) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, the analysis of the reasons for internal displacement, the needs and human rights of those displaced, measures of prevention, including measures relating to the protection of and assistance to persons at risk of displacement, and ways to strengthen protection, as well as assistance and durable solutions for internally displaced persons, taking into account specific situations and relevant information, including, in particular, statistics and data disaggregated by age, sex, diversity and location, and to include reliable information thereon in his or her reports submitted to the Human Rights Council;

(*b*) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, his or her efforts to promote comprehensive and inclusive strategies and support that focus on the prevention of displacement, better protection and assistance, durable solutions and the integration of internally displaced persons into national development plans, taking into account the primary responsibility of States within their jurisdiction in this regard;

(*c*) To continue to use the Guiding Principles on Internal Displacement in his or her dialogue with Governments, States in post-conflict or other situations, intergovernmental, regional and non-governmental organizations and other relevant actors, and to continue his or her efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

(*d*) To integrate a gender perspective throughout the work of the mandate, and to give special consideration to the human rights of internally displaced women and children, and of other groups with special needs, such as older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, and their particular assistance, protection and development needs;

(*e*) To continue his or her efforts to promote, where appropriate, the consideration of the human rights and the specific protection and assistance needs of internally displaced persons in peace processes and peace agreements, and in reintegration and rehabilitation processes;

(*f*) To continue to pay attention to the role of the international community in assisting affected States, upon request, in meeting the protection and assistance needs of internally displaced persons, including in implementing national strategies, and to incorporate in his or her advocacy activities an emphasis on the mobilization of adequate resources in response to the needs of affected countries;

(*g*) To continue, through continuous dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, his or her efforts to promote the protection of the human rights of internally displaced persons in the context of disasters;

(*h*) To strengthen further the cooperation established between the Special Rapporteur and the United Nations, including in the framework of the Peacebuilding Commission, and with other international and regional organizations, in particular his or her participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

(*i*) To continue to use in his or her activities the Framework on Durable Solutions for Internally Displaced Persons[105] of the Inter-Agency Standing Committee;

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[105] See A/HRC/13/21/Add.4.

(*j*) To continue cooperation with development donors and other providers of development assistance, including United Nations agencies and other relevant actors, to further strengthen international assistance efforts in support of durable solutions;

17. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, in particular developing countries, in their efforts and policies relating to assistance, protection rehabilitation, durable solutions and development assistance for internally displaced persons and their host communities;

18. *Urges* all countries to integrate the 2030 Agenda for Sustainable Development[106] into their respective national policies and development frameworks, as appropriate, and recalls that the 2030 Agenda seeks to address the needs of the most vulnerable, including internally displaced persons;

19. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues concerning internal displacement, and through the allocation of budget resources, and encourages the international community, relevant United Nations agencies and regional and national actors to provide financial and technical support and cooperation to Governments, upon request, in this regard;

20. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States, the Organization for Security and Cooperation in Europe and the Council of Europe, to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Special Rapporteur;

21. *Strongly welcomes* the adoption, entry into force and ongoing process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons in Africa, and encourages other regional mechanisms to consider the development of similar regional normative frameworks for the protection of internally displaced persons;

22. *Strongly encourages* all Governments, in particular Governments of countries with situations of internal displacement, to facilitate the activities of the United Nations and other relevant actors addressing the protection, assistance and development needs of internally displaced persons and to respond favourably and expeditiously to requests by the Special Rapporteur for visits and information, stresses the need of unimpeded access by the Special Rapporteur in accordance with the mandate, and urges Governments and the relevant bodies of the United Nations system, also at the country level, to follow up effectively, where appropriate, on recommendations of the mandate holder and to make available information on measures taken in this regard;

23. *Encourages* Governments, members of the Inter-Agency Standing Committee, United Nations humanitarian coordinators and country teams to ensure the provision of reliable data on internal displacement situations in order to inform an effective and rights-based response, to share data with the Internal Displacement Monitoring Centre for incorporation into global estimates and analysis, to request the support and guidance of the Joint Internally Displaced Persons Profiling Service as needed to help to improve the

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[106] General Assembly resolution 70/1

availability of actionable and agreed-upon data, and to provide financial resources, as appropriate, in these respects;

24. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts, and non-governmental organizations to develop and maintain regular dialogue and cooperation with the Special Rapporteur in the fulfilment of the mandate;

25. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, to provide all possible assistance and support to the Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

26. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mechanism works in close cooperation with the Emergency Relief Coordinator, with the continued support of the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies;

27. *Requests* the Special Rapporteur to continue to submit annual reports on the implementation of the mandate to the Human Rights Council and the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons, including on the impact of measures taken at the inter-agency level;

28. *Decides* to continue its consideration of the question of the human rights of internally displaced persons in conformity with its programme of work.

43rd meeting
1 July 2016

[Adopted without a vote.]

32/12. Impact of arms transfers on human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming that everyone has the right to life, liberty and security of person and is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Recalling the right to self-defence of States and their duty to promote and protect the human rights of all individuals within their territory,

Recalling also the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949, the Additional Protocols thereto of 8 June 1977, other international human rights law and international humanitarian law instruments, and the Vienna Declaration and Programme of Action, *Recalling further* General Assembly resolution 60/251 of 15 March 2006, and Human Rights Council resolutions 5/1 and 5/2 and decision 5/101 of 18 June 2007, and resolution 16/21 of 25 March 2011,

Recalling its resolution 24/35 of 27 September 2013,

Recalling in particular that the Human Rights Council has the mandate to, inter alia, serve as a forum for dialogue on thematic issues on all human rights,

Acknowledging that millions of people around the world are affected by serious human rights violations and abuses committed or facilitated by the irresponsible use of arms,

Acknowledging also that human rights law and international humanitarian law are complementary and mutually reinforcing,

Recalling the principles and provisions relating to international human rights law and international humanitarian law, and to the promotion of responsible action by States, as contained in the Arms Trade Treaty adopted by the General Assembly on 2 April 2013,[107] which entered into force on 24 December 2014, as well as in other relevant instruments,

Reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of, and the full respect for, international human rights law and international humanitarian law in armed conflicts and in peacetime,

Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[108] including target 16.4 of the Sustainable Development Goals, to significantly reduce illicit arms flows,

1. *Expresses its deep concern* at the fact that arms transfers, particularly those that are illicit or unregulated, may seriously undermine the human rights of individuals, especially women, children, the elderly, persons with disabilities and other vulnerable groups;

2. *Notes with alarm* that such arms transfers can have a seriously negative impact on the human rights of women and girls, who may be disproportionately affected by the widespread availability of arms, as it may increase the risk of sexual and gender-based violence, and of violence against children;

3. *Urges* all States to refrain from transferring arms when they assess, in accordance with applicable national procedures and international obligations and standards, that such arms are sufficiently likely to be used to commit or facilitate serious violations or abuses of international human rights law or international humanitarian law;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, in consultation with States, United Nations agencies and other relevant stakeholders, on the impact of arms transfers on the enjoyment of human rights, and to present it to the Human Rights Council at its thirty-fifth session, in order to provide States and other relevant stakeholders with elements to assess the relationship between arms transfers and human rights law that may guide them to strengthen efforts to effectively protect human rights;

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[107] General Assembly resolution 67/234 B.

[108] General Assembly resolution 70/1.

5. *Invites* all relevant special procedures, commissions of inquiry and human rights treaty bodies to bear the present resolution in mind, within the framework of their respective mandates;

6. *Decides* to remain seized of this issue.

43rd meeting
1 July 2016

[Adopted by a recorded vote of 32 to 5, with 10 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Maldives, Mexico, Mongolia, Namibia, Nigeria, Panama, Paraguay, Philippines, Republic of Korea, Russian Federation, South Africa, Switzerland, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

France, Germany, Latvia, Netherlands, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Albania, Belgium, Georgia, Kyrgyzstan, Morocco, Portugal, Qatar, Saudi Arabia, Slovenia, the former Yugoslav Republic of Macedonia]

32/13. The promotion, protection and enjoyment of human rights on the Internet

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolutions 20/8 of 5 July 2012 and 26/13 of 26 June 2014, on the promotion, protection and enjoyment of human rights on the Internet, and resolutions 12/16 of 2 October 2009, on freedom of opinion and expression, 28/16 of 24 March 2015, on the right to privacy in the digital age, and 23/2 of 13 June 2013, on the role of freedom of opinion and expression in women's empowerment, and 31/7 of 23 March 2016, on the rights of the child: information and communications technologies and child sexual exploitation, and recalling also General Assembly resolutions 68/167 of 18 December 2013 and 69/166 of 18 December 2014, on the right to privacy in the digital age, 70/184 of 22 December 2015, on information and communications technologies for development, and 70/125 of 16 December 2015, containing the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society, *Welcoming* the adoption of the 2030 Agenda for Sustainable Development,[109] and recognizing that the spread of information and communications technology and global interconnectedness has great potential to accelerate human progress, to bridge the digital divide and to develop knowledge societies,

Taking note of the Global Multi-stakeholder Meeting on the Future of Internet Governance, held in São Paulo on 23 and 24 April 2014, which acknowledged, inter alia, the need for human rights to underpin Internet governance and that the rights that people have offline must also be protected online,

Taking note also of the previous sessions of the Internet Governance Forum, including the most recent meeting, held in João Pessoa, from 10 to 13 November 2015,

Noting that the exercise of human rights, in particular the right to freedom of expression, on the Internet is an issue of increasing interest and importance, as the rapid pace of technological development enables individuals all over the world to use new information and communications technology,

Noting also the importance of building confidence and trust in the Internet, not least with regard to the freedom of expression, privacy and other human rights so that the potential of the Internet as, inter alia, an enabler for development and innovation can be realized, with full cooperation between Governments, civil society, the private sector, the technical community and academia,

Recognizing that privacy online is important for the realization of the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,

Emphasizing that access to information on the Internet facilitates vast opportunities for affordable and inclusive education globally, thereby being an important tool to facilitate the promotion of the right to education, while underlining the need to address digital literacy and the digital divide, as it affects the enjoyment of the right to education,

Expressing concern that many forms of digital divides remain between and within countries and between men and women, boys and girls, and recognizing the need to close them,

Stressing the importance of empowering all women and girls by enhancing their access to information and communications technology, promoting digital literacy and the participation of women and girls in education and training on information and communications technology, and encouraging women and girls to embark on careers in the sciences and information and communications technology,

Recalling articles 9 and 21 of the Convention on the Rights of Persons with Disabilities, which, inter alia, call upon States parties to take appropriate measures to promote access for persons with disabilities to new information and communications technology and systems, including the Internet,

Recognizing that, for the Internet to remain global, open and interoperable, it is imperative that States address security concerns in accordance with their international human rights obligations, in particular with regard to freedom of expression, freedom of association and privacy,

Deeply concerned by all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and by the impunity for these violations and abuses,

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[109] General Assembly resolution 70/1.

Deeply concerned also by measures aiming to or that intentionally prevent or disrupt access to or dissemination of information online, in violation of international human rights law,

Stressing the importance of applying a comprehensive human rights-based approach when providing and expanding access to the Internet and for the Internet to be open, accessible and nurtured by multi-stakeholder participation,

Taking note with appreciation of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, submitted to the Human Rights Council at its seventeenth, twenty-third, twenty-ninth and thirty-second sessions,[110] and to the General Assembly at its sixty-sixth session, on freedom of expression on the Internet,[111] and taking note of the report of the Special Rapporteur on the right to privacy, submitted to the Human Rights Council at its thirty-first session,[112]

Considering the key importance of government engagement with all relevant stakeholders, including civil society, private sector, the technical community and academia, in promoting and protecting human rights and fundamental freedoms online,

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights;

2. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals;

3. *Calls upon* all States to promote and facilitate international cooperation aimed at the development of media and information and communications facilities and technology in all countries;

4. *Affirms* that quality education plays a decisive role in development, and therefore calls upon all States to promote digital literacy and to facilitate access to information on the Internet, which can be an important tool in facilitating the promotion of the right to education;

5. *Also affirms* the importance of applying a comprehensive human rights-based approach in providing and in expanding access to the Internet, and requests all States to make efforts to bridge the many forms of digital divide;

6. *Calls upon* all States to bridge the gender digital divide and to enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of all women and girls;

7. *Encourages* all States to take appropriate measures to promote, with the participation of persons with disabilities, the design, development, production and distribution of information and communications technology and systems, including assistive and adaptive technologies, that are accessible to persons with disabilities;

8. *Calls upon* all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure protection of freedom of expression, freedom of association, privacy and other human rights online, including through national democratic, transparent institutions, based on the rule of law, in

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[110] A/HRC/17/27, A/HRC/23/40 and Corr.1, A/HRC/29/32 and A/HRC/32/38.

[111] A/66/290.

[112] A/HRC/31/64.

a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;

9. *Condemns unequivocally* all human rights violations and abuses, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, expulsion, intimidation and harassment, as well as gender-based violence, committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls upon all States to ensure accountability in this regard;

10. *Also condemns unequivocally* measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law, and calls upon all States to refrain from and cease such measures;

11. *Stresses* the importance of combating advocacy of hatred that constitutes incitement to discrimination or violence on the Internet, including by promoting tolerance and dialogue;

12. *Calls upon* all States to consider formulating, through transparent and inclusive processes with all stakeholders, and adopting national Internet-related public policies that have the objective of universal access and enjoyment of human rights at their core;

13. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on ways to bridge the gender digital divide from a human rights perspective, in consultation with States, the special procedures of the Human Rights Council, international organizations, national human rights institutions, civil society, industry, technical community and academia and other stakeholders, and to submit it to the Council at its thirty-fifth session;

14. *Encourages* the special procedures to take these issues into account within their existing mandates, as applicable;

15. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and other information and communications technology, and of how the Internet can be an important tool for fostering citizen and civil society participation, for the realization of development in every community and for exercising human rights, in accordance with its programme of work.

43rd meeting
1 July 2016

[Adopted without a vote.]

32/14. Protection of the human rights of migrants: strengthening the promotion and protection of the human rights of migrants, including in large movements

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the

Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and the protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all migrants, and the work of the various special mechanisms of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants,

Reaffirming that the Universal Declaration of Human Rights proclaims that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Reaffirming also that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, wherever the person is and regardless of his or her migration status,

Recognizing that States are responsible for promoting and protecting the human rights of all persons, including irregular migrants, who are in their territory and subject to their jurisdiction,

Recognizing also the shared and respective responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants,

Recalling that the Human Rights Council has the mandate to, inter alia, promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner, to serve as a forum for dialogue on thematic issues on all human rights, and to promote the effective coordination and mainstreaming of human rights within the United Nations system,

Deeply concerned at the large and growing number of migrants, including women and children, who have lost their lives or have been injured in attempting to cross international borders, and recognizing the obligation of States to protect and respect the human rights of those migrants, regardless of their immigration status,

Welcoming the organization of the high-level plenary meeting on addressing large movements of refugees and migrants on 19 September 2016, convened by the General Assembly, aiming to improve the international community's response, with full respect for the human rights of all migrants,

Taking note of the report of the Secretary-General entitled "In safety and dignity: addressing large movements of refugees and migrants",[113] prepared in advance of the high-level meeting, including his recognition that respect for the human rights of all those who leave their countries, regardless of their migration status, is a fundamental tenet,

Considering the reports of the Special Rapporteur on the human rights of migrants on global migration,

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[113] A/70/59.

Recalling the Declaration of the High-level Dialogue on International Migration and Development, adopted by the General Assembly at its sixty-eighth session,[114] in which representatives of States and Governments recognized the need for international cooperation to address, in a holistic and comprehensive manner, the challenges of irregular migration to ensure safe, orderly and regular migration, with full respect for human rights, and in which they recognized that human mobility is a key factor for sustainable development,

Reaffirming the commitment to take action to avoid the loss of life of migrants, including by preventing and combating the smuggling of migrants and trafficking in persons by disrupting the criminal networks involved and improving cooperation on prevention, the prosecution of traffickers and smugglers, the protection of the rights of victims of trafficking and the human rights of migrants who have been smuggled, and in protecting migrants from exploitation and other abuses,

Recognizing that the International Organization for Migration has a global leading role in the field of migration, and also recognizing the expertise of other member agencies of the Global Migration Group,

Expressing serious concern at the situation of vulnerability and risk faced by migrants in transit, in particular unaccompanied migrant children, including adolescents, or children who have been separated from their families, who are forced to or decide to leave their homelands owing to multiple causes,

Recognizing the need to address the special situation and vulnerability of migrant women and girls by, inter alia, incorporating a gender perspective into policies and strengthening national laws, institutions and programmes to combat gender-based violence, including trafficking in persons, often including males, and discrimination against women and girls,

Recognizing also the importance of coordinating international efforts to provide adequate protection, assistance and support to migrants in vulnerable situations and, as appropriate, to facilitate the voluntary return to their countries of origin or procedures for determining the need for international protection while respecting the principle of non-refoulement,

Recognizing further that migrants with disabilities are often disproportionately affected in situations of large movements and in their aftermath, and that they are often at increased risk of discrimination, exploitation and violence, including sexual and gender-based violence,

Noting the eighth summit meeting of the Global Forum on Migration and Development, held in Istanbul, Turkey, in October 2015, which emphasized, inter alia, the importance of protecting the human rights of all migrants, irrespective of their migration status, by all countries in the migratory cycle, and welcoming the convening of the ninth summit meeting, to be held in Dhaka, in December 2016,

Acknowledging the important role that migrants play as partners in the development of origin, transit and destination countries, and recognizing the need to improve public perceptions of migrants and migration,

Mindful of the fact that, in the fulfilment of their obligations to protect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

Noting with appreciation the actions taken by several special procedures of the Human Rights Council and the treaty bodies for the effective prevention of violations of the human rights of migrants, including through joint statements and urgent appeals, and encouraging them to continue their collaborative efforts within their respective mandates to this end,

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[114] General Assembly resolution 68/4.

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin and the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Welcoming the adoption of the 2030 Agenda for Sustainable Development[115] in its entirety, and recalling Sustainable Development Goals 8 and 10, including the targets on the protection of labour rights and the promotion of safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment, and on the facilitation of orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and acknowledging that meeting the Sustainable Development Goals and targets of the 2030 Agenda could reduce the need for migrants to leave their homes in search of greater opportunities by addressing some of the root causes of movements of refugees and migrants,

1. *Reaffirms* the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, including those of women, children and persons with disabilities, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Calls upon* all States to reaffirm the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants who leave their countries, regardless of their migratory status, particularly in the context of the forthcoming high-level meeting of the General Assembly on addressing large movements of refugees and migrants;

3. *Takes note* of the *Recommended Principles and Guidelines on Human Rights at International Borders*, prepared by the Office of the United Nations High Commissioner for Human Rights, and encourages States to give due consideration to their implementation;

4. *Calls upon* States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

5. *Also calls upon* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

6. *Reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants including those of women, children and persons with disabilities, regardless of their immigration status, in conformity with the

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[115] General Assembly resolution 70/1.

Universal Declaration of Human Rights and the international instruments to which they are party;

7. *Expresses concern* at legislation and measures adopted by some States that may adversely affect the full enjoyment of the human rights and fundamental freedoms of migrants, including those in transit;

8. *Reaffirms* that, when exercising their sovereign right to enact and implement migration and border security measures, States have a duty to comply with their obligations under relevant international law, including international human rights law, in order to ensure full respect for the human rights of migrants, including migrants in a vulnerable situation;

9. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination;

10. *Also calls upon* all States to promote and protect the human rights of all migrants, without discrimination of any kind, and to this end to provide assistance and relief to migrants who need it, including those in a vulnerable situation, regardless of their immigration status, and to create a safe, accessible and enabling environment in which individuals and organizations that provide such attention can operate;

11. *Further calls upon* all States to adopt a comprehensive and integral approach to migration policies, and to cooperate at the international level on the basis of shared responsibility to harness fully the economic developments and cultural and social opportunities that migration represents and to address efficiently its challenges in line with international human rights standards;

12. *Encourages* the Office of the United Nations High Commissioner for Human Rights to provide technical assistance to States, upon their request, to better promote and protect the human rights of migrants;

13. *Decides* to hold an enhanced interactive dialogue on the theme "The human rights of migrants in the context of large movement" at its thirty-fourth session, with the participation of the Office of the High Commissioner and other relevant stakeholders, including the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees, the International Labour Organization, the World Health Organization or other members of the Global Migration Group;

14. *Requests* the High Commissioner:

(*a*) To continue to develop, as co-chair of the Global Migration Group Working Group on Migration, Human Rights and Gender, principles and practical guidance on the protection of the human rights of migrants in vulnerable situations within large and/or mixed movements, on the basis of existing legal norms, and to report thereon to the Human Rights Council at its thirty-fourth session;

(*b*) To submit to the Human Rights Council before its thirty-third session a report on the promotion and protection of the human rights of migrants in the context of large movements, in consultation with States and other relevant stakeholders, including regional organizations, civil society organizations and national human rights institutions, and to transmit the report to the General Assembly at its seventy-first session;

15. *Requests* the Special Rapporteur on the human rights of migrants to continue to report on solutions and to contribute to and participate in key discussions relating to the promotion and protection of the human rights of migrants, including with respect to the large movement of migrants, by identifying best practices and concrete areas and means for international cooperation in order to enhance the protection of the human rights of migrants, and to continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

16. *Encourages* States and regional and international organizations to enhance their cooperation with the Special Rapporteur;

17. *Decides* to remain seized of the matter.

43rd meeting
1 July 2016

[Adopted without a vote.]

32/15. Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, and, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and that such a right derives from the inherent dignity of the human person,

Recalling Human Rights Council resolution 23/14 of 24 June 2013 and all relevant previous resolutions and decisions on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the Council, the General Assembly and the Commission on Human Rights,

Recalling also the Declaration on the Right to Development, which, inter alia, establishes that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

Reaffirming General Assembly resolution 70/1 of 27 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, recognizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, and envisaging a world free of poverty, hunger, disease and want, a world of universal respect for human rights and human dignity that includes equitable and universal access to health care and social protection, and where physical, mental and social well-being are assured,

Welcoming the Sustainable Development Goals, including, inter alia, Goal 3 on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets, and other health-related Goals and targets,

Taking note with appreciation of the report of the Chairman-Rapporteur of the 2015 Social Forum,[116] held in Geneva from 18 to 20 February 2015,

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[116] A/HRC/29/44.

Noting with appreciation the Human Rights Council panel convened to discuss the progress in and challenges of addressing human rights issues in the context of efforts to end the HIV/AIDS epidemic by 2030, on 11 March 2016,

Noting with appreciation also the Secretary-General's decision to establish a High-level Panel on Access to Medicines, with the mandate to make proposals on how to address policy incoherence in public health, trade, the justifiable rights of inventors, and human rights, and recognizing the participation of the Office of the United Nations High Commissioner for Human Rights in the expert advisory group supporting the Panel,

Noting with concern that, for millions of people throughout the world, the full and equal enjoyment of the right to the highest attainable standard of physical and mental health remains a distant goal,

Concerned about the interrelatedness between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular the fact that ill health can be both a cause and a consequence of poverty,

Recognizing that universal health coverage implies that all people have access without discrimination to nationally determined sets of the needed promotive, preventive, curative, palliative and rehabilitative essential health services, and essential, safe, affordable, efficacious and quality medicines and vaccines, while ensuring that the use of these services does not expose users to financial hardship, with a special emphasis on the poor, vulnerable and marginalized segments of the population,

Recognizing also the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, including pharmaceutical companies, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Recalling that the Doha Ministerial Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does not and should not prevent members of the World Trade Organization from taking measures to protect public health, and that the Declaration, accordingly, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of members of the Organization to protect public health and, in particular, to promote access to medicines for all, and further recognizes, in this connection, the right of members of the Organization to use, to the full, the provisions of the above-mentioned Agreement, which provide flexibility for this purpose,

Regretting the high number of people still without access to affordable, safe, efficacious and quality medicines, and underscoring that improving such access could save millions of lives every year, and noting with deep concern that, according to the World Health Organization in its World Medicines Situations Report of 2011, at least one third of the world population has no regular access to medicines, while recognizing that the lack of access to medicines is a global challenge that affects people not only developing countries but also in developed countries, even though the disease burden is disproportionately high in developing countries,

Concerned at the lack of access to quality, safe, efficacious and affordable medicines for children in appropriate dosage forms, and at problems in the rational use of children's medicines in many countries, and that, globally, children aged under five years still do not have secure access to medicines for the treatment of pneumonia, tuberculosis, diarrheal diseases, HIV infection and malaria, or medicines for many other infectious diseases, non-communicable diseases and rare diseases,

Concerned also that the increasing incidence of non-communicable diseases constitutes a heavy burden on society, with serious social and economic consequences, which represent a leading threat to human health and development, and recognizing the urgent need to improve accessibility to safe, affordable, efficacious and quality medicines and technologies to diagnose and treat non-communicable diseases, to strengthen viable financing options, and to promote the use of affordable medicines, including generics, as well as improved access to preventive, curative, palliative and rehabilitative services, particularly at the community level,

Expressing deep concern at recent outbreaks of highly infectious pathogens with epidemic potential, which demonstrate the potential vulnerability of populations to them, and in this context reaffirming and underscoring the importance of the development of new and innovative medicines and vaccines and of ensuring access to safe, affordable, efficacious and quality medicines and vaccines to all, as well as strengthening health system capacities for preventing and responding to outbreaks,

Recalling the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Organization, and commending the efforts of the Organization to fill gaps in health research and development for the relevant needs of developing countries, including neglected diseases and potential areas where market failure exists, through the follow-up to the report of the Consultative Expert Working Group on Research and Development, and reiterating that health research and development should be needs-driven, evidence-based, guided by the core principles of affordability, effectiveness, efficiency and equity, and considered a shared responsibility,

1. *Recognizes* that access to medicines is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Stresses* the responsibility of States to ensure access for all, without discrimination, to medicines, in particular essential medicines, that are affordable, safe, efficacious and of quality;

3. *Calls upon* States to promote access to medicines for all, including through the use, to the full, of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights, which provide flexibility for that purpose, recognizing that the protection of intellectual property is important for the development of new medicines, as well as the concerns about its effects on prices;

4. *Also calls upon* States to take steps to implement policies and plans to promote access to comprehensive and cost-effective prevention, treatment and care for the integrated management of non-communicable diseases, including, inter alia, increased access to affordable, safe, efficacious and quality medicines and diagnostics and other technologies, including through the full use of Trade-Related Aspects of Intellectual Property Rights flexibilities;

5. *Reiterates* the call upon States to continue to collaborate, as appropriate, on models and approaches that support the delinkage of the cost of new research and development from the prices of medicines, vaccines and diagnostics for diseases that predominantly affect developing countries, including emerging and neglected tropical diseases, so as to ensure their sustained accessibility, affordability and availability and to ensure access to treatment for all those in need;

6. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines that are affordable, safe, efficacious and of quality, and through financial and technical support and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

7. *Recognizes* the innovative funding mechanisms that contribute to the availability of vaccines and medicines in developing countries, such as the Global Fund to

Fight AIDS, Tuberculosis and Malaria, the Gavi Alliance and UNITAID, and calls upon all States, United Nations agencies, funds and programmes, in particular the World Health Organization, and relevant intergovernmental organizations, within their respective mandates, and encourages relevant stakeholders, including pharmaceutical companies, while safeguarding public health from undue influence by any form of real, perceived or potential conflict of interest, to further collaborate to enable equitable access to quality, safe and efficacious medicines that are affordable to all, including those living in poverty, children and other persons in vulnerable situations;

8. *Urges* all States, United Nations agencies and programmes and relevant intergovernmental organizations, especially the World Health Organization, within their respective mandates, and encourages non-governmental organizations and relevant stakeholders, including pharmaceutical companies, to promote innovative research and development to address health needs in developing countries, including access to quality, safe, efficacious and affordable medicines, and in particular with regard to diseases disproportionately affecting developing countries, and the challenges arising from the growing burden of non-communicable diseases, taking into account the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Organization;

9. *Invites* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, while considering the many ways towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to continue to focus on the human rights dimension of access to medicines when discharging his or her duties, in accordance with the mandate;

10. *Invites* Member States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions, civil society and the private sector, to promote policy coherence in the areas of human rights, intellectual property and international trade and investment when considering access to medicines;

11. *Decides* to convene, at its thirty-fourth session, a panel discussion to exchange views on good practices and key challenges relevant to access to medicines as one of the fundamental elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, taking into account all relevant reports, and that the discussion shall be fully accessible to persons with disabilities;

12. *Invites* the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

13. *Requests* the High Commissioner to prepare a summary report on the panel discussion to submit it to the Human Rights Council at its thirty-sixth session.

43rd meeting
1 July 2016

[Adopted without a vote.]

32/16. Promoting the right of everyone to the enjoyment of the highest attainable standard of physical and mental health through enhancing capacity-building in public health

The Human Rights Council,

Recalling General Assembly resolutions 58/3 of 27 October 2003, 59/27 of 23 November 2004 and 60/35 of 30 November 2005,

Recalling also the ministerial declaration adopted at the 2009 high-level segment of the Economic and Social Council on "Implementing the internationally agreed goals and commitments in regard to global public health",

Recalling further Human Rights Council resolutions 16/28 of 25 March 2011 and 30/8 of 1 October 2015, President's statements PRST/27/4 of 26 September 2014 and PRST/30/2 of 2 October 2015, and other relevant internationally agreed documents in the context of public health,

Recalling relevant resolutions of the World Health Organization, including WHA69.20 of 28 May 2016, on children's medication, WHA67.22 of 24 May 2014, on essential medicine, and WHA67.19, also of 24 May 2014, on palliative care,

Reaffirming that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, and, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and that such a right derives from the inherent dignity of the human person,

Reaffirming also the right of every human being, without distinction of any kind, to the enjoyment of the highest attainable standard of physical and mental health and to a standard of living adequate for the health and well-being of oneself and one's family, including adequate food, hygiene and sanitation, clothing and housing, and to the continuous improvement of living conditions,

Recalling the Declaration on the Right to Development, which, inter alia, affirms that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

Welcoming the 2030 Agenda for Sustainable Development,[117] including its Goal 3, which highlights the importance of ensuring healthy lives and promoting well-being for all at all ages, and recalling in that regard the adoption on 28 May 2016 by the World Health Assembly of its resolution WHA69.11 entitled "Health in the 2030 Agenda for Sustainable Development",

Welcoming also the efforts of the World Health Organization, in cooperation with Member States, in enhancing capacity-building in global public health and in meeting the targets specified in Sustainable Development Goal 3,

Expressing deep concern at the continued deleterious impact of infectious diseases, such as HIV/AIDS, Ebola, tuberculosis and malaria and the increasing number of epidemics and health emergencies, and non-communicable diseases, which place major demands on health resources and capabilities, together with a heavy disease burden on many countries, in particular developing countries, including the least developed countries, small island developing States and landlocked developing countries,

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[117] General Assembly resolution 70/1.

Recognizing the values and principles of primary health care, including equity, solidarity, social justice, universal access to services, multisectoral action, transparency, accountability and community participation and empowerment,

Recognizing also the need to strengthen resilience and to promote integrated national health systems aimed at ensuring universal access to quality health-care services, universal health coverage and social infrastructures and services, including access to medicines and vaccines, to reinforce measures to eliminate discrimination of any kind in respect for and the promotion, protection and fulfilment of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the basis of equality, and in this regard to enhance access to information and education for all persons, especially for those in vulnerable situations,

Convinced that strengthening public health is critical to the development of all Member States, and that economic and social development are enhanced through measures that strengthen capacity-building in public health, including training, recruitment and retention of sufficient public health personnel, and systems of prevention of and immunization against infectious diseases,

Recognizing the importance of substantially increasing health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries, small island developing States and landlocked developing countries,

Recognizing also the vital and complementary role of civil society in addressing and resolving challenges and issues that are important to society, including responding to public health crises,

Stressing the importance of strengthening the participation of women in decision-making processes and developing gender-sensitive multisectoral health policies and programmes in order to address their needs,

Emphasizing the importance of timely international cooperation in the area of health, and in particular in the prevention and control of infectious diseases, particularly during outbreaks and emergencies, including the need to cooperate on health research and development and tackling antimicrobial resistance based on the principles of mutual respect and equality, and in the context of the International Health Regulations (2005) of the World Health Organization, with a view to strengthening capacity-building in public health, especially in developing countries, through, inter alia, the exchange of information and the sharing of experience, and research and training programmes focusing on surveillance, prevention, control, response, and care and treatment,

Emphasizing also, in accordance with the International Conference on Population and Development, the importance of ensuring universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes,

Noting the ongoing work of the High-level Commission on Health Employment and Economic Growth, established by the Secretary-General on 2 March 2016,

1. *Urges* Member States and the international community to increase investment, building on existing mechanisms and through partnership, to improve health systems in developing countries and countries with economies in transition with the aim of providing sufficient health workers, infrastructures, management systems and supplies to achieve the Sustainable Development Goals by 2030;

2. *Calls upon* Member States to take the primary responsibility for strengthening their capacity-building in public health to detect and respond rapidly to

outbreaks of major infectious diseases through the establishment and improvement of effective public health mechanisms, including full implementation of the International Health Regulations (2005), and strategies for training, recruitment and retention of sufficient public health personnel, and systems of prevention and of immunization against infectious diseases;

3. *Encourages* States to promote access to medicines for all, including through the use, to the full, of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights which provide flexibility for that purpose, recognizing that the protection of intellectual property is important for the development of new medicines, as well as the concerns about its effects on prices;

4. *Welcomes* in this regard South-South, North-South and triangular cooperation, and recognizes the commitment to explore opportunities for further South-South cooperation as a complement, not a substitute, to North-South cooperation;

5. *Recognizes* the fundamental relevant importance of the transfer of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed;

6. *Stresses* the importance of enhancing international cooperation in the area of public health in the aftermath of natural disasters to support national efforts to cope in all phases of the response, and urges Member States and the international community to strengthen their cooperation programmes, preparedness, mitigation, response and recovery in this regard;

7. *Acknowledges* the contribution of aid targeted towards the health sector, while recognizing that much more needs to be done, and calls upon States to fulfil their respective official development assistance commitments, including the commitments by many developed countries to achieve the target of 0.7 per cent of gross national income for official development assistance, and urges those developed countries that have not done so to make concrete efforts in this regard in accordance with their commitments;

8. *Invites* Member States to foster public health systems that ensure the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including of those in vulnerable situations;

9. *Encourages* United Nations agencies, funds and programmes, in particular the World Health Organization as the lead United Nations agency on health, in accordance with their respective mandates and as appropriate, to continue to address public health concerns in their activities and programmes, and to actively support capacity-building in global public health, such as through the provision of technical and other relevant assistance to developing countries, including the least developed countries, small island developing States and landlocked developing countries;

10. *Encourages* the mechanisms of the Human Rights Council, especially the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Office of the United Nations High Commissioner for Human Rights, within their existing mandates, to continue to address public health concerns in their activities and programmes, and where feasible to support capacity-building in global public health, such as through the provision of technical and other relevant assistance to developing countries;

11. *Decides* to convene, at its thirty-fifth session, a panel discussion with the participation of States, relevant United Nations agencies, funds and programmes, academics and experts and non-governmental organizations, with the objective of exchanging experiences and practices on realizing the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by enhancing capacity-building in public health, and that the discussion shall be fully accessible to persons with disabilities, and

requests the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its thirty-sixth session.

43rd meeting
1 July 2016

[Adopted without a vote.]

32/17. Addressing the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments,

Reaffirming the Vienna Declaration and Programme of Action, which recognized that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming also the commitments of States concerning the elimination of racism, racial discrimination, xenophobia and related intolerance, and the recognition that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights and that the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community,

Recalling the Beijing Declaration and Platform for Action and the outcome documents of its review conferences, in which Governments expressed their determination to intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability, or because they are indigenous people,

Stressing the importance of the Durban Declaration and Programme of Action, which recognized that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights,

Bearing in mind that the General Assembly proclaimed 2015-2024 as the International Decade for People of African Descent and the commitments undertaken by States to mainstream a gender perspective when designing and monitoring public policies, taking into account the specific needs and realities of women and girls of African descent,

Recognizing and deeply regretting that many women and girls, including those belonging to national or ethnic, religious and linguistic minorities, face multiple and intersecting forms of discrimination and are disproportionally affected by aggravated forms of racism, racial discrimination, xenophobia and related intolerance,

Acknowledging the persistence of the challenges faced by all countries throughout the world to overcome inequality between men and women and to integrate a comprehensive approach that properly addresses the needs of women and girls affected by racism, racial discrimination, xenophobia and related intolerance in the design of public policies,

Mindful of the fact that the elimination of all forms of discrimination against women and girls requires the consideration of their specific socioeconomic context, including their increased vulnerability to certain patterns of racism, racial discrimination, xenophobia and related intolerance, and that the non-participation of all women and girls in decision-making contributes to the feminization of poverty and hampers sustainable development and economic growth,

Emphasizing the importance and the need that States take measures to protect all women and girls from discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance, and to ensure their meaningful participation in decision-making at all levels,

Emphasizing also the need for States and all segments of society, including civil society organizations, women's groups and networks and other non-governmental organizations and community-based organizations, the private sector, media and other relevant stakeholders, to take meaningful steps to promote the empowerment of all women and girls in order to achieve gender and racial equality and to strongly condemn and address attitudes and behaviours that perpetuate multiple and intersecting forms of gender discrimination, racism, racial discrimination, xenophobia and related intolerance, and related violence,

Deeply concerned by the multiple and intersecting forms of discrimination and violence to which all women and girls continue to be exposed all over the world,

1. *Expresses grave concern* about the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls;

2. *Recognizes* the need to integrate and mainstream a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple and intersecting forms of discrimination suffered by women and girls;

3. *Calls upon* States to develop and strengthen comprehensive gender-responsive, multisectoral policies and programmes involving relevant authorities, in sectors such as justice, health, social services, education and child protection services, as well as relevant non-State actors with a view to promoting the human rights of women and girls affected by multiple and intersecting forms of racism, racial discrimination, xenophobia and related intolerance, and related violence;

4. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls, with a view to identifying challenges and good practices, including, as appropriate, the contributions of the universal periodic review, and to present it to the Human Rights Council at its thirty-fifth session;

5. *Decides* to convene, at its thirty-sixth session, a panel discussion in order to discuss, inter alia, the findings of the report and to examine possible recommendations;

6. *Requests* the High Commissioner to organize the above-mentioned panel discussion in consultation with States, relevant United Nations bodies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, and also with civil society, non-governmental organizations, national human rights institutions and specialized national equality bodies, as appropriate with a view to ensuring their participation in the panel discussion;

7. *Also requests* the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Council at its thirty-seventh session.

43rd meeting
1 July 2016

[Adopted without a vote.]

32/18. Mental health and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights and by all relevant international human rights treaties, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Reaffirming also that all human beings are born free and equal in dignity and rights, and recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming further that everyone has the right to life, liberty and security of person, to live independently and be included in the community, and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling that, according to the Constitution of the World Health Organization, health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

Reaffirming the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and emphasizing that mental health is an integral part of that right,

Recalling that States should take measures to the maximum of their available resources and, where needed, within the framework of international cooperation, in the context of mental health,

Reaffirming the right of everyone to be guaranteed the full enjoyment of their human rights and fundamental freedoms, without discrimination of any kind,

Deeply concerned that persons with mental health conditions or psychosocial disabilities, in particular persons using mental health services, may be subject to, inter alia, widespread discrimination, stigma, prejudice, violence, social exclusion and segregation, unlawful or arbitrary institutionalization, overmedicalization and treatment practices that fail to respect their autonomy, will and preferences,

Equally concerned that such practices may constitute or lead to violations and abuses of their human rights and fundamental freedoms, sometimes amounting to torture or other cruel, inhuman, or degrading treatment or punishment, and conscious that greater commitment is needed to address all the remaining challenges in this regard,

Recognizing the need to protect, promote and respect all human rights in the global response to mental health-related issues, and stressing that mental health and community services should integrate a human rights perspective so as to avoid any harm to persons using them,

Convinced that the Human Rights Council, in fulfilling its responsibility for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner, has an important role to play in the area of mental health and human rights to foster constructive international dialogue and cooperation, and to promote human rights education and learning, and also advisory services, technical assistance, capacity-building and awareness-raising,

Acknowledging the leadership of the World Health Organization in the field of health and also the work it has carried out to date to integrate, inter alia, a human rights perspective into mental health, and recalling the commitment of States to achieve this through the implementation of the Organization's Comprehensive Mental Health Action Plan 2013-2020,

1. *Reaffirms* the obligation of States to promote and protect all human rights and fundamental freedoms and to ensure that policies and services relating to mental health comply with international human rights norms;

2. *Recognizes* the need for States to take active steps to fully integrate a human rights perspective into mental health and community services, particularly with a view to eliminating all forms of violence and discrimination within that context, and to promote the right of everyone to full inclusion and effective participation in society;

3. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the integration of a human rights perspective into mental health and the realization of the human rights and fundamental freedoms of persons with mental health conditions or psychosocial disabilities, including persons using mental health and community services, and to submit the report to the Human Rights Council at its thirty-fourth session, in which the High Commissioner:

(*a*) Identifies existing challenges and emerging good practices, and makes recommendations in that regard;

(*b*) Identifies ways and means for strengthening technical assistance and capacity-building, taking into account existing activities and experiences in this area, in consultation with and with the consent of the States concerned;

4. *Encourages* the High Commissioner, when preparing the above report, to liaise with and seek the views of Member States and all other relevant stakeholders, as appropriate, including relevant United Nations bodies, agencies, funds and programmes, in particular the World Health Organization, special procedures, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the rights of persons with disabilities, the treaty bodies, national human rights institutions and civil society;

5. *Decides* to remain seized of the matter.

43rd meeting
1 July 2016

[Adopted without a vote.]

32/19. Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences,

Welcoming the World Health Organization global plan of action to strengthen the role of the health system within a national multisectoral response to address interpersonal violence, in particular against women and girls, and against children, building on existing work of the Organization, in particular its call for the prevention and elimination of all forms of sexual and gender-based violence in public and private life,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council, including those on women, peace and security and on children in armed conflict, and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which affirmed that all forms of violence against women must be condemned and eliminated,

Recalling also the adoption by the General Assembly of the United Nations Declaration on the Rights of Indigenous Peoples in its resolution 61/295 of 13 September 2007,

Recalling further Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with these resolutions and the annexes thereto,

Outraged by the persistence and pervasiveness of all forms of violence against women and girls worldwide, including intimate partner violence, and emphasizing that such violence is a violation, abuse or impairment of human rights and, as such, is completely unacceptable,

Welcoming the agreed conclusions adopted by the Commission on the Status of Women at its sixtieth session and at previous sessions, and its decision to consider the issue of the empowerment of indigenous women at a future session, and acknowledging its intention to make this issue a focus of its sixty-first session,

Welcoming also the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development[118] and the Addis Ababa Action Agenda,[119] in particular the commitment to eliminate all forms of violence against them,

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[118] General Assembly resolution 70/1.

[119] General Assembly resolution 69/313, annex.

Recognizing the importance of the United Nations Entity for Gender Equality and the Empowerment of Women and its role in leading, coordinating and promoting the accountability of the United Nations system in its work on gender equality and the empowerment of women and girls,

Recognizing also the important role of the Commission on the Status of Women in promoting gender equality and the empowerment of women, based on the full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session, and in promoting and monitoring gender mainstreaming within the United Nations system, and encouraging the Commission to contribute to the follow-up to the 2030 Agenda for Sustainable Development in order to accelerate the realization of gender equality and the empowerment of women and girls,

Recalling the outcome document of the World Conference on Indigenous Peoples,[120] in which States committed to intensifying efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous peoples and individuals, in particular women, children, youth, older persons and persons with disabilities, by strengthening legal, policy and institutional frameworks, and recalling the work of indigenous-specific United Nations mechanisms in addressing violence against women and girls,

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives to combat violence against women and girls, including indigenous women and girls,

Reiterating the need to intensify efforts at all levels to prevent and eliminate all forms of violence against women and girls, throughout the world, and stressing that women's economic, political and social empowerment is essential for preventing violence and addressing the underlying causes of violence against women and girls, including indigenous women and girls,

Recognizing that violence against indigenous women and girls cannot be separated from the wider context of discrimination and exclusion to which indigenous persons are often exposed in social, economic, cultural and political life, and deeply concerned about indications that indigenous women and girls are disproportionately affected by violence, including sexual violence, given the multiple and intersecting forms of discrimination to which they may be exposed,

Recognizing also the increased vulnerability of those who are subject to multiple and intersecting forms of discrimination, such as older women, indigenous women, migrant women and women with disabilities, and the particular risk of violence they face, and stressing the urgent need to address violence and discrimination against them,

Deeply concerned that all women and girls, including indigenous women and girls, face a heightened risk of sexual and gender-based violence during times of conflict and post-conflict, and humanitarian crisis situations,

Recognizing that violence against women and girls is rooted in historical and structural inequality in power relations between women and men, and that all forms of violence against women and girls constitute a major impediment to their full, equal and effective participation in society, the economy and political decision-making,

Expressing concern at institutional and structural discrimination against women and girls, including indigenous women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures, services and practices that directly or indirectly restrict access to institutions, property and landownership, health-care services, education, employment and access to credit, which negatively affect their empowerment and increase their vulnerability to violence,

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[120] General Assembly resolution 69/2.

Reaffirming that, as stated in the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security,

Alarmed at the high level of impunity with regard to gender-based violence, including gender-related killings of women and girls, including indigenous women and girls, and recognizing the key role of the criminal justice system in preventing and ending impunity for such crimes,

Concerned that indigenous women and girls may be overrepresented in criminal justice systems and may be more marginalized, and thus experience more violence before, during and after the period of incarceration,

Recognizing that the absence of adequate gender statistics, including data disaggregated by, inter alia, sex, age and disability, and of specific data on the incidence of violence against women and girls, its context and its perpetrators impedes efforts to design specific intervention strategies to address both the causes and the consequences of violence against women and girls, and to ensure coordinated and consolidated efforts to address gender data gaps,

Expressing concern at the low levels of birth registration among indigenous women and girls, and taking into consideration that registering a person's birth is a vital step towards the promotion and protection of all of his or her human rights, and that persons without birth registration may be more vulnerable to marginalization, exclusion, discrimination, violence, statelessness, exploitation and abuse,

Underscoring that the duty of States to exercise due diligence to provide protection to women and girls, including indigenous women and girls, who have been subjected to or are at risk of violence, includes using all appropriate means of a legal, political, administrative and social nature to provide access to justice, health care and support services that respond to their immediate needs, protect against further harm and continue to address the ongoing consequences of violence for women and girls, including indigenous women and girls, taking into consideration the impact of violence on their families and communities,

1. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls of any age, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and notes the economic and social harm caused by such violence;

2. *Strongly condemns* all acts of violence against women and girls, including against indigenous women and girls, whether these acts are perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of sexual and gender-based violence, including where perpetrated or condoned by the State, as described in the Declaration on the Elimination of Violence against Women;

3. *Underscores* that violence against women and girls, including indigenous women and girls, whether committed in the public or private sphere, is a matter of grave public concern and that States have the primary responsibility for protecting and promoting the human rights of women and girls, and in this respect strongly urges States to take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy full protection and guarantees against all forms of violence and discrimination in policy and in practice;

4. *Continues to express particular concern* at the systemic and structural discrimination and violence faced by women human rights defenders of all ages, including indigenous women and girl human rights defenders, and calls upon States to exercise due diligence in preventing violations and abuses against all human rights defenders, including through practical steps, to prevent threats, harassment and violence, and in combating impunity by ensuring that those responsible for violations and abuses, including gender-based violence and threats, committed by State or non-State actors, including online, are promptly brought to justice through impartial investigations;

5. *Expresses concern* that violence in the private sphere, including domestic violence, is the most prevalent and least visible form of violence against all women and girls, and that its consequences are long-lasting and profound, and affect many areas in the lives of victims and their communities;

6. *Recognizes* the critical role of women and girls, including indigenous women and girls, as agents of change, and in this regard urges States to engage and consult with indigenous women and girls as active and equal participants in the planning, design and implementation of legislation, policies and programmes;

7. *Calls upon* States to take effective action to prevent violence against women and girls, including indigenous women and girls, by:

(*a*) Developing, reviewing and strengthening inclusive policies, including by allocating adequate resources to address the historical, structural and underlying causes and risk factors of violence against women and girls, including indigenous women and girls, and ensuring that laws and policies are harmonized to address widespread violence against women and are in compliance with their international human rights obligations;

(*b*) Abolishing practices and legislation that discriminate against women and girls, including indigenous women and girls; eliminating prejudices, harmful practices and gender stereotypes; and raising awareness of the unacceptability of violence against women and girls;

(*c*) Taking measures to empower women by, inter alia, strengthening their economic autonomy and ensuring their full and equal participation in society, and in decision-making processes by adopting and implementing social and economic policies that guarantee women full and equal access to quality education, including comprehensive sexuality education, and training, and affordable and adequate public and social services, as well as full and equal access to financial resources and decent work, and full and equal rights to own and to have access to and control over land and other property, and guaranteeing women's and girls' inheritance rights;

(*d*) Removing gender bias and other forms of discrimination from the administration of justice, and enhancing the capacity of law enforcement officials to deal appropriately with all forms of violence against women and girls, including against indigenous women and girls, by providing systematic gender sensitivity training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating gender considerations into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

(*e*) Engaging, educating, encouraging and supporting men and boys to take responsibility for their behaviour and to become active partners in the prevention and elimination of all forms of discrimination and violence against all women and girls, including indigenous women and girls, and to end the stigmatization of victims and survivors of violence by encouraging a change in attitudes, perceptions of masculinity, gender stereotypes and other norms and behaviour through the promotion of gender equality;

(*f*) Measuring the effectiveness of policies and programmes to prevent violence against women and girls, including by carrying out regular evaluation and monitoring, and ensuring that they do not put indigenous women and girls at any additional risk;

(*g*) Ensuring free birth registration, including free or low-fee late birth registration, and further identifying and removing physical, administrative, procedural and any other barriers that impede access to birth registration, particularly barriers faced by indigenous women and girls, ensuring adequate training, and increasing, as needed, the accessibility of birth registration facilities;

8. *Urges* States to condemn strongly and publicly all forms of violence against women and girls, including indigenous women and girls, and to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination, including harmful practices, such as child, early and forced marriage and female genital mutilation;

9. *Also urges* States to ensure the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks and the strengthening of health systems that make universally accessible and available quality, comprehensive sexual and reproductive health-care services, commodities, information and education, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and recognizing that human rights include the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

10. *Further urges* States to take effective measures in support of the right of indigenous peoples, without discrimination, to the improvement of their economic and social conditions, including in, inter alia, the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, as referred to in the United Nations Declaration on the Rights of Indigenous Peoples;

11. *Encourages* States to adopt and strengthen sound policies, enforceable legislation and transformative actions for the promotion of gender equality and women's and girls' empowerment at all levels, including of indigenous women and girls, to promote their equal rights, access to and opportunities for participation and leadership in the economy and access to economic activities, to increase their level of employment, and to implement measures such as training, the provision of technical assistance and credit facilities to eliminate gender-based violence and discrimination in all its forms;

12. *Also encourages* States to improve the collection, harmonization and use of data disaggregated by sex, and administrative data, including, where appropriate, from the police, the health sector and the judiciary, on incidents of all forms of violence against women and girls, including against indigenous women and girls, such as data on the relationship between the perpetrator and victim and geographic location, ensuring that confidentiality and ethical and safety considerations are taken into account in the process of data collection, and improving the effectiveness of the services and programmes provided and protecting the safety and security of the victim;

13. *Encourages* the media to examine the impact of gender-role stereotypes, including those perpetuated by commercial advertisements that foster gender-based violence and inequalities, to promote zero tolerance for such violence and to remove the

stigma of being a victim and survivor of violence, thus creating an enabling and accessible environment where women and girls can easily report incidents of violence and make use of the services available, including protection and assistance programmes;

14. *Calls upon* States to take effective action to respond to violence against women and girls, including indigenous women and girls, and to protect all victims and survivors by:

(*a*) Taking practical and concrete steps to create an enabling environment where women and girls can easily report incidents of violence, including by providing law enforcement officials, health-care providers and other first responders with human rights training to ensure services that are responsive to trauma and free from discrimination;

(*b*) Adopting and funding policy reforms and programmes, and support education, in order to sensitize, train and strengthen the capacity of public officials and professionals, including the judiciary, the police and the military, as well as those working in the areas of education, health, social welfare, justice, defence and immigration; and holding public officials accountable for not complying with laws and regulations relating to violence against women and girls, in order to prevent and respond to such violence in a gender-sensitive manner, to end impunity and to avoid the abuse of power leading to violence against women and the revictimization of victims and survivors;

(*c*) Establishing, as appropriate, comprehensive, coordinated, interdisciplinary, accessible and sustained multisectoral services, programmes and responses at all levels, with the support of all available technologies, for all victims and survivors of all forms of violence against women and girls based on their needs, that are adequately resourced and include effective and coordinated action by, as appropriate, the police and the justice sector, legal aid services, health-care services, including sexual and reproductive health, and medical, psychological and other counselling services, including specialist services as appropriate, State and independent women's shelters and counselling centres, 24-hour hotlines, social aid services, one-stop crisis centres, immigration services, child services, public housing services to provide low-threshold, easy-to-reach and safe assistance for women and children, as well as assistance, protection and support through access to long-term accommodation, educational, employment and economic opportunities, and to take steps to ensure the safety and security of health-care workers and service providers who assist and support victims and survivors of violence and, in cases of girl victims, to ensure that such services and responses take into account the best interests of the child;

(*d*) Adopting measures to raise the awareness of women and girls, including indigenous women and girls, and in particular those at known risk of sexual and gender-based violence, of their rights and the law, and the protection and legal remedies it offers, including by disseminating information on the assistance available to women and families that have experienced violence, and ensuring that timely and appropriate information is available to all women and girls who have been subjected to violence, when possible in a language in which they can effectively communicate, and at all stages of the justice system;

(*e*) Ensuring women's and girls', including indigenous women's and girls', unimpeded access to justice, effective legal assistance and information regarding their human rights without discrimination so that they have access to just and effective remedies for the harm that they have experienced, including through the adoption of national legislation;

(*f*) Ensuring that remedies for women and girls subjected to violence, whether judicial, administrative, policy or other measures, are available, accessible, acceptable, age- and gender-sensitive and adequately address victims' needs, including by protecting confidentiality, preventing the stigmatization, revictimization or further harm to victims, allowing reasonable time for women subjected to violence to come forward to seek redress, and ensuring reasonable evidentiary standards;

(*g*) Developing and implementing the establishment of rehabilitative services in order to encourage and bring changes in the attitudes and behaviour of perpetrators of violence against women and girls and to reduce the likelihood of reoffending, and to monitor and assess their impact and effect;

15. *Calls upon* States to consider ratifying or acceding to all relevant instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination and the optional protocols thereto, and to cooperate through regional conventions, instruments and initiatives to prevent and respond effectively to violence against women and girls;

16. *Welcomes* the mandate and the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her report,[121] in which she set out the priorities of her mandate;

17. *Decides* to extend the mandate of the Special Rapporteur on violence against women, its causes and consequence, as set out by the Human Rights Council in its resolution 23/25 of 14 June 2013, for a period of three years;

18. *Encourages* the special procedures to consider the issue of multiple and intersecting forms of discrimination faced by women and girls, including indigenous women and girls, within their existing mandates, where applicable;

19. *Welcomes* the panel discussion on violence against women and girls, held during the annual full-day discussion on women's human rights at the thirty-second session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the discussion to the Council at its thirty-third session;

20. *Requests* the Special Rapporteur on violence against women, its causes and consequences to hold consultations or participate in the work, as appropriate, and by the invitation of the Commission on Crime Prevention and Criminal Justice of the United Nations Office on Drugs and Crime in order to accelerate the implementation of the goals of the Special Rapporteur on prevention of and response to violence against women;

21. *Encourages* regular consultations by the Special Rapporteur on violence against women, its causes and consequences, with, inter alia, the Commission on the Status of Women, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Population Fund and the Statistics Division of the United Nations on the issue of disaggregated data on violence against women and effective ways of advancing the elimination of violence against women;

22. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

43rd meeting
1 July 2016

[Adopted without a vote.]

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[121] A/HRC/32/42 and Corr.1

32/20. Realizing the equal enjoyment of the right to education by every girl

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling in particular the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities and all other relevant international human rights instruments,

Recalling all relevant Human Rights Council resolutions, in particular resolution 27/6 of 25 September 2014,

Recalling also the United Nations Millennium Declaration, in which Member States resolved to ensure that, by 2015, children everywhere, boys and girls alike, would be able to complete a full course of primary schooling, and that girls and boys would have equal access to all levels of education, in accordance with the Education for All agenda and education-related Millennium Development Goals, and welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[122] including its Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all,

Recalling further the need to ensure that all girls and boys have equal access to quality early childhood development, care and pre-primary education so that they are ready for primary education, the need to eliminate gender disparities in education by 2030, and the need to build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive, accessible and effective learning environments for all,

Welcoming the World Education Forum 2015, organized by the United Nations Educational, Scientific and Cultural Organization in collaboration with the United Nations Children's Fund, the World Bank, the United Nations Population Fund, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women and the Office of the United Nations High Commissioner for Refugees, held in Incheon, Republic of Korea, from 19 to 22 May 2015, and the declaration "Education 2030: Towards inclusive and equitable quality education and lifelong learning for all", adopted at the Forum,

Noting with appreciation the work carried out by all relevant organs, bodies and mechanisms of the United Nations system within their respective mandates, in particular the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization, and the efforts of organizations and civil society to promote girls' enjoyment of the right to education,

Deeply concerned that, according to the United Nations Educational, Scientific and Cultural Organization, none of the Education for All goals had been achieved globally by 2015, despite the advances that had been achieved over the past decade,

Deeply concerned also that, despite progress in recent years, many girls, including girls with disabilities and those belonging to ethnic, religious and linguistic minority groups, continue to suffer severe discrimination and exclusion in education systems throughout their lives, and that almost one third of all countries have not achieved parity in primary education,

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[122] General Assembly resolution 70/1

Deeply concerned further that humanitarian crises and armed conflicts are depriving children, especially girls, of access to education,

Strongly condemning attacks on and the abduction of girls because they attend or wish to attend school, deploring all attacks, including terrorist attacks, on educational institutions as such, their students and staff, and recognizing the negative impact that such attacks have on the progressive realization of the right to education, in particular of girls,

Reaffirming the equal right of every child to education without discrimination of any kind, and noting the multiple and intersecting forms of discrimination often faced by girls,

Deeply concerned that girls' access to education continues to be impaired by social and cultural stereotypes, violence against girls and the targeting of schools by violent extremist movements and terrorist groups,

Determined to continue to make the progressive realization of the right to education a reality for every girl,

Recognizing that education is a multiplier right that empowers women and girls to make choices to claim their human rights, including the right to participate in public affairs, and to participate fully in the making of decisions that shape society,

1. *Welcomes* the convening, at its twenty-ninth session, of a panel discussion on realizing the equal enjoyment of the right to education by every girl with a view to sharing lessons learned and best practices, and the summary report of the discussion prepared by the Office of the United Nations High Commissioner for Human Rights;[12]

2. *Urges* all States to strengthen and intensify their efforts to realize progressively the equal enjoyment of the right to education by every girl, such as by taking the necessary and appropriate measures:

(*a*) To eliminate discrimination against girls in education and to remove all obstacles that hinder the right to education of every girl, including discriminatory laws and policies, customs, traditions or religious considerations, financial barriers, violence, including sexual violence in the school environment, the worst forms of child labour, and harmful practices, such as female genital mutilation, gender stereotypes, child early and forced marriage and early pregnancy;

(*b*) To ensure that educational institutions are safe and free of violence and abuse;

(*c*) To address the rate of dropout from school among girls and help to ensure that every girl completes a full course of high-quality primary and secondary education and training and has equal access to all levels of education with the proper support and reasonable accommodation of the individual's requirements and without discrimination of any kind;

(*d*) To make a place available for every girl in a primary and secondary school within a reasonable distance of her home;

(*e*) To take steps so that every girl, regardless of her circumstances, can travel to and from and attend school in an inclusive, accessible, safe and secure environment, including by providing security services and adopting policies designated to eliminate all forms of school violence and facilitating safe and secure school transportation services, when necessary and as appropriate;

(*f*) To provide equal access to education for girls from marginalized or excluded groups, girls with disabilities, indigenous girls, girls who are members of ethnic, religious or linguistic minorities and girls living in rural areas;

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[12] A/HRC/30/23.

(*g*) To provide adequate support for disadvantaged girls and their families to ensure access to schools and to prevent girls from being removed from schools for economic reasons;

(*h*) To provide every primary and secondary school with professionally trained and qualified teachers, including female teachers, capable of providing effective individualized support in an environment that is child friendly and that maximizes academic and social development consistent with the goal of full inclusion, and to develop an overall non-discriminatory, inclusive, accessible and culturally sensitive, safe, supportive and secure environment conducive to providing a quality education, including human rights education, to every girl, to allow the fullest development of her abilities and enable her to be a proactive actor in society;

(*i*) To provide every primary and secondary school with full access to separate, adequate and safe water and sanitation services, properly equipped with hygiene kits, that contribute to the enrolment and retention of girls in schools, and to protect girls from being physically threatened or assaulted while using sanitation facilities;

(*j*) To ensure that every girl who completes primary and secondary education has the basic skills to participate effectively in society, including financial literacy;

(*k*) To eliminate gender-based stereotypes from all educational processes, practices and teaching materials, and to raise awareness with regard to the importance of the progressive realization of the equal enjoyment of the right to education by every girl;

(*l*) To prioritize education in State budgets, to build education systems, and to develop laws and policies founded on the principles of equality and the rights of the child;

(*m*) To support access to education for girls in emergency situations, migrant, internally displaced and refugee girls and those in humanitarian crises, including in armed-conflict and post-armed-conflict situations;

3. *Encourages* States to increase investments and international cooperation to allow all girls to complete free, equitable, inclusive and quality early childhood, primary and secondary education, including by scaling-up and strengthening initiatives, such as the Global Partnership for Education, and to explore additional innovative mechanisms based on models combining public and private resources, while ensuring that all education providers give due respect to the right to education;

4. *Encourages* international cooperation to complement the efforts of States in matters relating to education, in particular with a view to eliminating discrimination in education, and supports the efforts of the United Nations system in this regard;

5. *Urges* States to support the efforts of developing countries, in particular least developed countries, to realize progressively the right to education, including the progressive realization of the equal enjoyment of the right to education by every girl through appropriate resources, including financial and technical resources, in support of country-led national education plans;

6. *Reaffirms* the importance of enhancing the dialogue between the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the Special Rapporteur on the right to education and other partners that pursue the goals of girls' education, with a view to integrating further the right to education of girls into the operational activities of the United Nations system;

7. *Encourages* the High Commissioner and the relevant special procedure mandate holders to give the required attention to realizing the equal enjoyment of the right to education by every girl in carrying out their mandates and in their reporting, and to work collectively towards its realization through practical and efficient steps;

8. *Requests* the High Commissioner, in close cooperation with all relevant stakeholders, including States, the United Nations Children's Fund, other relevant United Nations bodies and agencies, relevant special procedure mandate holders, regional organizations and human rights bodies, national human rights institutions and civil society, including children themselves, to prepare a report on the realization of the equal enjoyment of the right to education by every girl, and on the obstacles limiting the effective access of girls to education, and to make recommendations on appropriate measures to eliminate gender disparities in education by 2030, taking into account Goal 4 of the Sustainable Development Goals, and to submit the report to the Council for its consideration at its thirty-fifth session;

9. *Decides* to remain seized of the matter.

44th meeting
1 July 2016

[Adopted without a vote.]

32/21. Elimination of female genital mutilation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Optional Protocols thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and all other relevant human rights instruments,

Recalling also its resolution 27/22 of 26 September 2014 on intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation,

Recalling further General Assembly resolution 67/146 of 20 December 2012 on intensifying global efforts for the elimination of female genital mutilations and all other relevant resolutions of the General Assembly, the Commission on the Status of Women and the Human Rights Council on measures to eliminate harmful traditional practices that violate the rights of women and girls,

Recalling the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action,

Welcoming the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development[124] and the Addis Ababa Action Agenda,[125]

Recognizing that female genital mutilation can be an impediment to the full achievement of gender equality and the empowerment of women and girls,

Recognizing also that efforts at the local, national, regional and international levels have led to a decline in the global prevalence of female genital mutilation,

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[124] General Assembly resolution 70/1.

[125] General Assembly resolution 69/313, annex.

Recognizing further the role of regional and subregional instruments and mechanisms in the prevention and elimination of female genital mutilation,

Reaffirming that female genital mutilation is a form of discrimination, an act of violence against women and girls and a harmful practice that constitutes a serious threat to their health, including their psychological, sexual and reproductive health, which can increase adverse obstetric and prenatal outcomes and have fatal consequences for the mother and the newborn, as well as increasing their vulnerability to HIV, and that the elimination of this harmful practice can be achieved only as a result of a comprehensive government-led movement that involves all public and private stakeholders in society, including girls and boys, women and men,

Noting that these human rights violations and abuses of the rights of women and girls can jeopardize their full and effective participation in the economic, political, social and cultural development of their country,

Taking note of the Secretary-General's "Unite to End Violence against Women" campaign,

Deeply concerned that, despite the increase in national, regional and international efforts, the practice of female genital mutilation persists in some countries and has seen the development of new forms, such as medicalization and cross-border practice,

Recalling the inter-agency global strategy initiated in 2010 by the World Health Organization to stop health-care providers from performing female genital mutilation,

Bearing in mind that States have primary responsibility for creating favourable conditions to prevent and eliminate female genital mutilation, and for achieving zero tolerance of the practice,

Welcoming the growing global consensus regarding the need to take appropriate measures to prevent and eliminate female genital mutilation, and understanding that this practice has no relevant religious or cultural basis,

Greatly concerned that the significant gap in resources continues and that the shortfall in funding has severely limited the scope and pace of programmes and activities for the elimination of female genital mutilation,

Welcoming the establishment by the United Nations of the International Day of Zero Tolerance for Female Genital Mutilation, on 6 February, the theme of which is, in 2016, achieving the new global goals through the elimination of female genital mutilation by 2030,

1. *Urges* States to place special emphasis on education, in particular of youth, parents and religious, traditional and community leaders, about the harmful effects of female genital mutilation, and especially to encourage men and boys to become more involved in information and awareness-raising campaigns and to become agents of change;

2. *Calls upon* States to continue and intensify efforts to provide information and raise awareness about the harmful effects of female genital mutilation and about the continuing increase at the national and international levels in support for the elimination of the practice, and to organize activities within this framework during the International Day of Zero Tolerance for Female Genital Mutilation with the involvement of religious and traditional authorities, which make the movement to end female genital mutilation more visible;

3. *Urges* States to adopt national legislation prohibiting female genital mutilation, consistent with international human rights law, and to take steps to ensure its strict application, while working to harmonize their legislation in order to effectively address the cross-border practice of female genital mutilation;

4. *Encourages* States to develop comprehensive policies to combat female genital mutilation involving the Government, the parliament, the judiciary, civil society, youth, the media, the private sector and all relevant stakeholders;

5. *Also encourages* States to develop, support and promote education programmes, including on sexual and reproductive health, that clearly challenge the negative stereotypes and harmful attitudes and practices that sustain female genital mutilation and perpetuate violence and discrimination against women and girls;

6. *Emphasizes* the need for States to systematize, as appropriate, collection of data on female genital mutilation, to encourage and provide financial support for research, particularly at the university level, to use the results to strengthen public information and awareness-raising activities, and to measure effectively progress in eliminating female genital mutilation;

7. *Calls upon* States to provide assistance to victims of female genital mutilation, including through support services for treatment of its physical, physiological and psychological consequences;

8. *Encourages* States to consider presenting, during the universal periodic review, relevant recommendations on measures to eliminate female genital mutilation;

9. *Encourages* the international community to keep the issue of the elimination of female genital mutilation on the agenda of development policies and to devote special attention to the issue in the implementation of the Sustainable Development Goals by 2030;

10. *Calls upon* States to continue to increase technical and financial assistance for the effective implementation of policies, programmes and action plans to eliminate female genital mutilation at the national, regional and international levels;

11. *Invites* the Joint Programme on Female Genital Mutilation/Cutting: Accelerating Change of the United Nations Population Fund and the United Nations Children's Fund to continue to develop the national capacities of States and local communities for the effective implementation of inclusive policies, programmes and action plans to eliminate female genital mutilation at the local, national, and regional levels, while encouraging States and development cooperation agencies to consider increasing their financial support for the Joint Programme;

12. *Invites* the United Nations High Commissioner for Human Rights and the relevant human rights treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, to continue to give special consideration to the question of the elimination of female genital mutilation;

13. *Decides* to continue its consideration of the question of female genital mutilation in accordance with its programme of work.

44th meeting
1 July 2016

[Adopted without a vote.]

32/22. The right to education

The Human Rights Council,

Reaffirming its resolution 8/4 of 18 June 2008, and recalling all other Human Rights Council resolutions on the right to education, the most recent of which is resolution 29/7 of

2 July 2015, and the resolutions adopted by the Commission on Human Rights on the subject,

Reaffirming also the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education,

Welcoming the progress made in achieving the Education for All goals and the related Millennium Development Goals, while recognizing the need to accelerate efforts to complete the unfinished agenda of the Millennium Development Goals,

Recalling the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all,[126] adopted at the World Education Forum 2015, held in Incheon, Republic of Korea,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[127] which includes the goal of ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all,

Reiterating the commitment to strengthen the means of implementation in order to ensure the full realization of the Sustainable Development Goals, and in this context welcoming the adoption of the Education 2030 Framework For Action, which aims at mobilizing all countries and partners and provides guidance for achieving Sustainable Development Goal 4 on education, and its targets,

Strongly condemning the recurring attacks on students, teachers, schools and universities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

Recognizing the negative impact of conflict and crisis on the full realization of the right to education, and that a large proportion of the world's out-of-school population lives in conflict-affected areas, as noted in the Incheon Declaration,

Deeply concerned that, according to the United Nations Educational, Scientific and Cultural Organization, despite all efforts by Governments, civil society and the international community and the tremendous progress achieved between 2000 and 2015, the Education for All goals and the education-related Millennium Development Goals have not been achieved globally,

Reiterating the contribution that access to new information and communications technology, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education,

Recalling the Paris Open Educational Resources Declaration, adopted on 22 June 2012 at the World Open Educational Resources Congress of the United Nations Educational, Scientific and Cultural Organization,

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[126] General Assembly resolution 70/135, para. 32.

[127] General Assembly resolution 70/1.

Recognizing that factors such as the digital divide, disparities in access to the Internet and other information and communications technology, infrastructure constraints, marginalization and exclusion, and challenges relating to the quality and recognition of degrees and diplomas can limit the utilization of the full potential of information and communications technology in contributing to the realization of the right to education,

Welcoming the steps taken to implement the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators and ensuring justiciability, as appropriate, of this right,

Aware of the role that communications procedures can play to promote the justiciability of the right to education,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

2. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures, such as:

(*a*) Addressing issues of access, quality and equity in the use of information and communications technology in education, including in order to bridge the digital divide;

(*b*) Creating an enabling policy environment for drawing on digital technologies that can serve as valuable tools in the delivery of education;

(*c*) Building the capacity of teachers to use digital technologies while retaining their freedom concerning pedagogical approaches;

(*d*) Assessing the quality of education, including online or Internet education and certification, including massive open online courses, and taking appropriate remedial or other action to address policies or practices that prevent the enjoyment of the right to education by, inter alia, engaging with existing national human rights mechanisms, parliamentarians and civil society;

(*e*) Putting in place a regulatory framework for education providers, including those operating independently or in partnership with States, guided by international human rights obligations, that establishes, inter alia, minimum norms and standards for the creation and operation of educational services, addresses any negative impact of the commercialization of education, and strengthens access to appropriate remedies and reparation for victims of violations of the right to education;

(*f*) Encouraging the availability of educational resources in various languages, including in the implementation of information and communications technology in education;

3. *Also urges* all States to expand educational opportunities for all without discrimination, recognizing the significant importance of investment in public education to the maximum of available resources; to increase and improve domestic and external financing for education, as affirmed in the Incheon Declaration and the Education 2030 Framework for Action; to ensure that education policies and programmes are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and in relevant international human rights instruments; and to strengthen engagement with all relevant stakeholders, including communities, local actors and civil society, to contribute to education as a public good;

4. *Further urges* all States to regulate and monitor education providers and to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, and to support research and awareness-raising activities to better

understand the wide-ranging impact of the commercialization of education on the enjoyment of the right to education;

5. *Welcomes*:

(*a*) The work of the Special Rapporteur on the right to education, and takes note of his latest report, on issues and challenges to the right to education in the digital age, with a focus on higher education;[128]

(*b*) The work of the United Nations human rights treaty bodies and special procedures in the promotion of the right to education, and the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(*c*) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and other relevant bodies towards attaining the goals of the Education for All agenda and education-related Millennium Development Goals;

6. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including Goal 4;

7. *Reaffirms* the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of the right to education by all appropriate means, including in particular the adoption of legislative measures;

8. *Calls upon* States to take all necessary measures, including sufficient budgetary allocations, to ensure inclusive, equitable and non-discriminatory quality education, and to promote learning opportunities for all, paying particular attention to girls, marginalized children and persons with disabilities;

9. *Stresses* the importance of international cooperation, including the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in the realization of the right to education, including through the use of information and communications technology;

10. *Calls upon* States to continue to make efforts to strengthen the protection of preschools, schools and universities against attacks;

11. *Encourages* efforts to provide safe, inclusive and enabling learning environments and quality education for all within an appropriate time frame, including higher education in humanitarian emergencies and conflict situations;

12. *Encourages* States to promote human rights education in accordance with the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education as a means of contributing to the prevention of human rights violations and conflict;

13. *Encourages* all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

14. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination and all forms of violence in schools and other educational settings, and to realize gender equality and the right to education for all;

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[128] A/HRC/32/37.

15. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority;

16. *Encourages* the High Commissioner, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

17. *Stresses* the importance of the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur on the right to education;

18. *Decides* to remain seized of the matter.

44th meeting
1 July 2016

[Adopted without a vote.]

32/23. Protection of the family: role of the family in supporting the protection and promotion of human rights of persons with disabilities

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments, including the Declaration on the Right to Development,

Recalling Human Rights Council resolutions on protection of the family, including its most recent, resolution 29/22, adopted on 3 July 2015,

Recalling also all General Assembly resolutions concerning the proclamation of, preparations for and observance and commemoration of the International Year of the Family and its tenth and twentieth anniversaries,

Reaffirming that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members, and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Affirming that everyone has the right to a standard of living adequate for the health and well-being of himself or herself and of his or her family,

Noting with concern that the contribution of the family in society and in the achievement of development goals continues to be underemphasized, and recognizing the potential of this contribution to national development and to the achievement of major objectives of every society and of the United Nations, *Noting* that 2016 marks the tenth anniversary of the Convention on the Rights of Persons with Disabilities, welcoming the fact that, to date, 163 States and one regional integration organization have ratified or acceded to the Convention, and calling upon States that have not yet ratified or acceded to the Convention to consider doing so,

Noting also that the 2016 Social Forum will focus on the promotion and full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities in the context of the tenth anniversary of the adoption of the Convention on the Rights of Persons with Disabilities,

Taking note of the report of the United Nations High Commissioner for Human Rights entitled "Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development",[178]

1. *Reaffirms* that the family is the natural and fundamental group unit of society, and is entitled to protection by society and the State;

2. *Also reaffirms* that States have the primary responsibility to promote and protect the human rights and fundamental freedoms of all individuals, and stresses the fundamental importance of full respect for human rights and fundamental freedoms of all family members;

3. *Affirms* the need to promote and protect rights of the child, and in this regard calls upon States to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities in the best interests of the child, bearing in mind that a child should grow up in a safe and supportive family environment, and giving high priority to the rights of children, including their survival, protection and development;

4. *Reaffirms* the responsibilities, rights and duties of parents, legal guardians or other persons legally responsible for the child to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of his or her rights;

5. *Recognizes* the positive impact that policies and measures to protect the family can have on protecting and promoting the human rights of its members, and can contribute to, inter alia, promoting human rights for persons with disabilities, decreasing drop-out rates from educational institutions and inclusion in schools, achieving equality between women and men and girls and boys, empowering women and girls and enhancing protection against violence, abuses, sexual exploitation, the worst forms of child labour, and harmful practices, while bearing in mind that violations and abuses of the human rights and fundamental freedoms of family members adversely affect families and have a negative impact on efforts aimed at protecting the family;

6. *Stresses* that equality between women and men, and equal participation of women in employment, public life and decision-making, as well as shared parental and household responsibilities, are essential elements of family policies;

7. *Recognizes* that the family, while respect for the rights of its members is ensured, is a strong force for social cohesion and integration, intergenerational solidarity and social development, and that the family plays a crucial role in the preservation of cultural identity, traditions, morals, heritage and the values system of society;

8. *Conscious* that families are sensitive to strain caused by social and economic changes, and expresses deep concern that conditions have worsened for many families

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[178] A/HRC/31/37.

owing to economic and financial crises, lack of job security, temporary employment and lack of regular income;

9. *Recognizes* that the family unit is facing increasing vulnerabilities and pressures, and notes that single parent-headed households, child-headed households, families with members with disabilities and intergenerational households might be particularly vulnerable to poverty and social exclusion, and resolves to pay particular attention to them, while bearing in mind that a considerable proportion of households worldwide are headed by women and many other households are dependent on female income, and that female-maintained households are very often among the poorest because of wage discrimination, occupational segregation patterns in the labour market and other gender-based barriers;

10. *Remains* convinced that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute to the full and equal enjoyment of the rights of persons with disabilities;

11. *Highlights* the role of families in supporting its members, including members with disabilities, and recognizes their potential in contributing to the protection and promotion of the rights of persons with disabilities;

12. *Stresses* that families remain the first and most immediate environment where children with disabilities can develop their potential and enjoy a fulfilling life, and that the realization of the rights of persons with disabilities can be deeply affected by the quality of life of their families and the support and assistance provided to them, and underlines the need to provide families with members with disabilities with access to a range of support services that are responsive to the individual choices, wishes and needs of its members with disabilities;

13. *Recognizes* that families with members with disabilities may be subject to discrimination by association on the basis of disability owing to distinctions that affect or nullify their rights;

14. *Reaffirms* the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and that appropriate steps should be taken to safeguard and promote the realization of that right without discrimination on the basis of disability, and reaffirms also the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability and by taking appropriate steps to safeguard and promote the realization of this right, including by ensuring access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

15. *Recognizes* that persons with disabilities may be parents and head of their families, and as such, all persons with disabilities who are of marriageable age have the right to marry and to found a family on the basis of the free and full consent of the intending spouses;

16. *Affirms* that children with disabilities have equal rights with respect to family life, and that States should realize these rights and prevent the concealment, abandonment, neglect and segregation of children with disabilities and undertake to provide early and comprehensive information, services and support to children with disabilities and their families;

17. *Stresses* that States should take appropriate measures to prevent all forms of exploitation, violence and abuse of persons with disabilities by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information

and education on how to avoid, recognize and report instances of exploitation, violence and abuse, and ensuring that protection services are age-, gender- and disability-sensitive;

18. *Also stresses* the need for States to adopt immediate, effective and appropriate measures aimed at raising awareness throughout society, including at the family level, regarding persons with disabilities with a view to fostering respect for their rights and dignity;

19. *Calls upon* States to recognize in their policy and legal frameworks the important role played by families in caring for and supporting persons with disabilities;

20. *Urges* States, in accordance with their respective obligations under international human rights law, to provide the family, as the natural and fundamental group unit of society, with effective protection, support and assistance, and encourages States in this regard to take, as appropriate, relevant effective measures to the maximum of their available resources;

21. *Recognizes* the important role of civil society, including organizations of persons with disabilities and their families, national human rights institutions research institutes and academia, in advocacy, promotion, research and policymaking and, as appropriate, the evaluation of family policy development and capacity-building;

22. *Also recognizes* that the family unit plays a key role in social development, and as such should be strengthened and attention paid to the rights, capabilities and responsibilities of its members, and invites States, the organizations of the United Nations system and all other relevant stakeholders to take into account the role of the family as a contributor to sustainable development and the need to strengthen family policy development in their ongoing efforts to achieve the internationally agreed development goals, including the 2030 Agenda for Sustainable Development;[180]

23. *Invites* the United Nations High Commissioner for Human Rights, the treaty bodies, relevant special procedure mandate holders and other relevant international and regional human rights mechanisms, within their respective mandates and competence, to pay due attention in their work to the implementation by States of their obligations under relevant provisions of international human rights law to provide protection and support to the family as the natural and fundamental unit of society;

24. *Decides* to convene, with the support of the High Commissioner, before the thirty-fourth session of the Human Rights Council, a one-day intersessional seminar on the impact of the implementation by States of their obligations under relevant provisions of international human rights law with regard to the protection of the family on the role of the family in supporting the protection and promotion of the rights of persons with disabilities, and to discuss challenges and best practices in this regard;

25. *Requests* the High Commissioner to present a report on the seminar, in the form of a summary, to the Human Rights Council at its thirty-fifth session;

26. *Decides* to remain seized of the matter.

44th meeting
1 July 2016

[Adopted by a recorded vote of 32 to 12, with 3 abstentions. The voting was as follows:

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[180] General Assembly resolution 70/1.

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Nigeria, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Albania, Belgium, France, Germany, Latvia, Netherlands, Panama, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Georgia, Mexico, the former Yugoslav Republic of Macedonia]

32/24. Situation of human rights in Eritrea

For the text of the resolution, see chapter II.

32/25. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Welcoming the adoption by the Security Council of its resolution 2268 (2016) on 26 February 2016,

Reaffirming its strong commitment to the full respect of sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling also that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic, social and cultural rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent suppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and extremist groups,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry, *Expressing full support* for the efforts of the Special Envoy of the Secretary-General for Syria, with a view to full implementation of the Syrian political process that establishes credible, inclusive and non-sectarian governance, in accordance with the Geneva communiqué and consistent with Security Council resolutions 2254 (2015) of 18 December 2015 and 2258 (2015) of 22 December 2015, urging the Special Envoy to continue to push the parties to negotiate a political transition, demanding that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments and the full implementation of those resolutions, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Welcomes* the statement of the International Syria Support Group of 17 May 2016 in Vienna, including its request that the Special Envoy of the Secretary-General for Syria facilitate agreements between the Syrian parties for the release of detainees and its call for any party holding detainees to protect the health and safety of those in their custody;

2. *Stresses* the importance of achieving a full cessation of hostilities in the Syrian Arab Republic, demands that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urges all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments, and to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of humanitarian law;

3. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front or other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of

international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

7. *Further strongly condemns* all attacks against the Syrian moderate opposition, and calls for their immediate cessation, given that such attacks benefit the so-called Islamic State in Iraq and the Levant (Daesh) and other terrorist groups, such as al-Nusrah Front, and contribute to a further deterioration of the humanitarian situation;

8. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Daesh), in particular the enslavement and sexual abuse of women and girls, enforced disappearances and the forced recruitment and abduction of children;

9. *Expresses its deepest concern* at the findings of the Commission of Inquiry on crimes committed against persons belonging to the Yazidi community in the Syrian Arab Republic by the so-called Islamic State in Iraq and the Levant (Daesh);

10. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children, and persons with disabilities, and urges all parties to the conflict not to commit indiscriminate attacks against the civilian population and civilian infrastructure, including against medical facilities and schools as such, to comply with their obligations under international humanitarian law and to respect international human rights law;

11. *Expressing its profound concern* at the escalation of intolerable suffering of civilians in and around Aleppo;

12. *Strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence and torture, especially in detention centres run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations or abuses of international human rights law or violations of international humanitarian law;

13. *Condemns* the denial of medical services in all prisons and detention facilities;

14. *Recognizes* the permanent damage that torture causes to its victims and their families;

15. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees, and for the Syrian authorities to publish a list of all detention facilities;

16. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

17. *Strongly condemns* any use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, welcomes the fact that the Joint Investigative Mechanism, which was established by the Security Council in its resolution 2235 (2015) of 7 August 2015 to identify those involved in the use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, became fully operational in November 2015, and demands that the Syrian Arab Republic respect fully its international obligations, including the requirement that it declare in full its chemical weapons programme and eliminate it in its entirety;

18. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or, transfer, directly or indirectly, chemical weapons to other States or non-State actors;[131]

19. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and in particular to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded in resolution 2139 (2014);

20. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

21. *Condemns* the Syrian authorities' use of heavy weapons, cluster munitions and aerial bombardments, including any indiscriminate use of ballistic missiles and barrel bombs, and attacks against civilians and civilian infrastructure, including medical facilities;

22. *Condemns in the strongest terms* the increasing number of mass casualty incidents, including any that may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

23. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

24. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

25. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

26. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, and the organized looting and trafficking of its cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

27. *Also strongly condemns* the reported forced displacement of the population in the Syrian Arab Republic and the alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to crimes against humanity;

28. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts aimed at finding a political solution to the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2254 (2015), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks;

29. *Recalls* that the International Criminal Court was established to help to end impunity for such crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

30. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this

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[131] See Security Council resolution 2235 (2015)

goal, while noting the important role that the International Criminal Court can play in this regard;

31. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

32. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bring about reconciliation and sustainable peace;

33. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

34. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

35. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, including to hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

36. *Welcomes* the initiative of the United Kingdom of Great Britain and Northern Ireland, Germany, Norway, Kuwait and the United Nations to co-host the London conference on supporting the Syrian Arab Republic and the region on 4 February 2016, which raised new funding to meet the immediate and long-term needs of those affected by the Syrian crisis, and calls upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to fulfil all previous pledges, including from the London conference;

37. *Takes note* of those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

38. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens receive equal protection, regardless of gender, religion or ethnicity;

39. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

40. *Decides* to remain seized of the matter.

45th meeting
1 July 2016

[Adopted by a recorded vote of 27 to 6, with 14 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Côte d'Ivoire, El Salvador, France, Georgia, Germany, Ghana, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Algeria, Bolivia (Plurinational State of), China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Burundi, Congo, Ecuador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Namibia, Nigeria, Philippines, South Africa, Viet Nam]

32/26. Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 29/17 of 2 July 2015, and deploring the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in those resolutions, including the denial of access to the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while noting the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in Belarus;[102]

2. *Expresses concern* at the situation of human rights in Belarus, the ongoing violations and the use of torture and ill-treatment in custody, the lack of response by the Government of Belarus to cases of enforced disappearance of political opponents, the impunity of perpetrators of human rights violations, the violations of labour rights amounting to forced labour, the significant gaps in anti-discrimination legislation, the pressure on defence lawyers and the lack of participation of opposition political parties in Parliament;

3. *Calls upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with international human rights law and with its human rights obligations and commitments, and not used to impede or unduly restrict the exercise of any human right, including the right to freedom of opinion and expression, the right to peaceful

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[102] A/HRC/32/48 and A/70/313.

assembly and the right to freedom of association, including to form and join a trade union, and the freedom of the media;

4. *Acknowledges* the engagement of Belarus in the twenty-second session of the universal periodic review, in 2015, calls upon Belarus to continue to work on the implementation of accepted review recommendations with the full participation of all of civil society, and takes note of the preparatory work done to date on its national plan of action on human rights;

5. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, including the number of persons sentenced to death or executed and the crimes for which it is applied, taking into account that transparency is a requirement of fair and effective criminal justice, requests him to continue to monitor developments and to make recommendations, and in this regard encourages the parliamentary working group on the death penalty to expedite its work;

6. *Urges* the Government of Belarus to carry out a comprehensive reform of the justice sector and bar associations in order to guarantee the full independence and impartiality of the judiciary, the presumption of innocence, the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal established by law and to freely chosen legal representation throughout all proceedings, and the availability of information on the implementation of all sentences, while encouraging the Government to continue to reform the judiciary;

7. *Welcomes* the release of political prisoners in August 2015, calls for the reinstatement of the civil and political rights of former political prisoners, in particular in view of the parliamentary election of September 2016, strongly urges the Government of Belarus to address, through comprehensive, transparent and credible investigations, reports of torture and ill-treatment by law-enforcement officials and to prosecute alleged perpetrators and punish those found guilty, and to put an immediate end to the arbitrary arrest, detention and harassment of human rights defenders, political opponents and journalists, to arbitrary travel bans and to other policies aimed at intimidating representatives of the political opposition and the media, and human rights defenders and civil society organizations, including by criminalizing the exercise of the right to freedom of association;

8. *Urges* Belarus to take all necessary steps ahead of the parliamentary election of September 2016 to reform its electoral legislation, and to follow the recommendations made by the Special Rapporteur and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe in this regard, while welcoming the growing openness of Belarus to dialogue and cooperation with the Office, takes positive note of the establishment of an inter-agency group on electoral reform by the Government of Belarus, urges Belarus to ensure that the parliamentary election is free, fair, inclusive and peaceful while providing for the equal treatment of all candidates before, during and after the vote, and to issue an invitation to the Office for it to conduct an election observation mission;

9. *Strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to engage actively in the implementation of the 2030 Agenda for Sustainable Development;[151]

10. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to

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[151] General Assembly resolution 70/1.

submit a report on the situation of human rights in Belarus to the Human Rights Council at its thirty-fifth session and to the General Assembly at its seventy-second session;

11. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country with a view to assisting the Government in fulfilling its international human rights obligations, and also urges the Government to extend full cooperation to thematic special procedures;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of the mandate.

45th meeting
1 July 2016

[Adopted by a recorded vote of 15 to 9, with 23 abstentions. The voting was as follows:

In favour:

Albania, Belgium, France, Germany, Latvia, Mexico, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Against:

Bolivia (Plurinational State of), Burundi, China, Cuba, India, Nigeria, Russian Federation, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Algeria, Bangladesh, Botswana, Congo, Côte d'Ivoire, Ecuador, El Salvador, Ethiopia, Georgia, Ghana, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Philippines, Qatar, Saudi Arabia, South Africa, Togo, United Arab Emirates]

32/27. The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, and by the Economic and Social Council,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 6/13 of 28 September 2007, 10/4 of 25 March 2009, 10/29 of 27 March 2009, 13/17 of 25 March 2010, 16/26 of 25 March 2011, 19/24 of 23 March 2012, 24/25 of 27 September 2013, 26/28 of 27 June 2014 and 29/19 of 2 July 2015,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to

ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum;

2. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;

3. *Stresses* the need for increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

4. *Decides* that the Social Forum will meet for three working days in 2017, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and also decides that, at its next meeting, the Forum should focus on the promotion and protection of human rights in the context of the HIV epidemic and other communicable diseases and epidemics;

5. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2017 Social Forum, bearing in mind the principle of regional rotation;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to make available the most recent and relevant United Nations reports and documents on the promotion and protection of human rights in the context of the HIV epidemic and other communicable diseases and epidemics as background documents for the dialogues and debates that will be held at the 2017 Social Forum;

7. *Requests* the High Commissioner to facilitate participation in the 2017 Social Forum in order to contribute to interactive dialogues and debate at the Forum and to assist the Chair-Rapporteur as resource persons, of no fewer than 10 experts, including representatives of civil society and grass-roots organizations in developing countries and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

8. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, and representatives designated by human rights national institutions and non-governmental organizations in consultative status with the Economic and Social Council, and will also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, and representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

9. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, in particular, representatives of persons with disabilities, especially those from

developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

10. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum, and to take all practical measures required for the success of this initiative;

11. *Invites* the 2017 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its thirty-seventh session;

12. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

13. *Encourages* all Member States to participate in the discussions of the Social Forum so that worldwide representation in the debates can be ensured;

14. *Decides* to continue consideration of this issue at its thirty-fifth session under the same agenda item.

45th meeting
1 July 2016

[Adopted without a vote.]

32/28. Declaration on the Right to Peace

For the text of the resolution, see chapter II.

32/29. Cooperation with and assistance to Ukraine in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Recalling its resolutions 26/30 of 27 June 2014 and 29/23 of 3 July 2015 on cooperation and assistance to Ukraine in the field of human rights,

Acknowledging the efforts of the United Nations, the Organization for Security and Cooperation in Europe and other international and regional organizations to assist Ukraine in protecting the rights of all persons in Ukraine, as described by the General Assembly in its resolution 68/262 of 27 March 2014, and the progress achieved, and the challenges and obstacles remaining in this regard,

Welcoming the technical assistance to Ukraine in the field of human rights provided by the Office of the United Nations High Commissioner for Human Rights, and acknowledging the further need for such assistance with due regard to the commitment of the Government of Ukraine to promote and protect human rights on all its territory,

Welcoming also the cooperation of the Government of Ukraine with the Office of the High Commissioner, including its monitoring mission in Ukraine, and with other relevant international and regional human rights mechanisms, *Recognizing* the importance of the reports of the Office of the High Commissioner based on the findings of the monitoring mission for the proper assessment of the situation of human rights in Ukraine and an evaluation of the needs for technical assistance of Ukraine in the field of human rights,

Recognizing also the continuing need for ongoing reporting, including on the most serious human rights problems within Ukraine and their root causes,

1. *Welcomes* the oral presentations by the Office of the United Nations High Commissioner for Human Rights to the States Members of the Human Rights Council and observers of the findings of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine held, in accordance with Council resolution 29/23, from the thirtieth to the thirty-second sessions of the Council;

2. *Invites* the High Commissioner to continue to present orally to the States Members of the Human Rights Council and observers the findings of each of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine as part of the interactive dialogues, and through the modalities of the Council, in accordance with its resolution 5/1 of 18 June 2007, until the thirty-fifth session of the Council.

45th meeting
1 July 2016

[Adopted by a recorded vote of 22 to 6, with 19 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Côte d'Ivoire, Ecuador, France, Georgia, Germany, Ghana, Latvia, Mexico, Netherlands, Nigeria, Panama, Paraguay, Philippines, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland

Against:

Bolivia (Plurinational State of), Burundi, China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Algeria, Bangladesh, Botswana, Congo, El Salvador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Viet Nam]

32/30. Capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and emphasizing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolutions S-14/1 of 23 December 2010 and 16/25 of 25 March 2011, on the situation of human rights in Côte d'Ivoire, 17/21 of 17 June 2011, establishing the mandate of the Independent Expert on the situation of human rights in Côte d'Ivoire, 20/19 of 6 July 2012 and 23/22 of 14 June 2013, renewing the mandate of the Independent Expert, 26/32 of 27 June 2014, establishing the mandate for capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights, and 29/24 of 3 July 2015, renewing the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote and protect human rights and fundamental freedoms, as stated in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

Emphasizing the importance of efforts for lasting reconciliation by the National Commission of Inquiry, the Dialogue, Truth and Reconciliation Commission and the National Commission for Reconciliation and Compensation of Victims, and encouraging the Government of Côte d'Ivoire to implement their recommendations in order to contribute to reconciliation,

Noting that the situation of human rights in Côte d'Ivoire has improved significantly and that it should nevertheless be monitored, given the numerous challenges, notably the restoration of peace, national reconciliation and combating impunity,

Concerned at the continuing sporadic armed attacks on the Forces républicaines de Côte d'Ivoire in the exercise of their mandate to protect civilians,

1. *Condemns* the terrorist attacks that occurred in Grand-Bassam on 13 March 2016, which are liable to thwart the joint efforts of the Ivorian people and the international community to bring security and peace to the country;

2. *Applauds* the successful holding of the presidential elections of October 2015, considered to be free and transparent by all national and international stakeholders, and welcomes the overall stability of the security situation in Côte d'Ivoire, as indicated in the special report of the Secretary-General on the United Nations Operation in Côte d'Ivoire[138] and the report of the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights;[139]

3. *Welcomes* the exemplary and continuing cooperation of the Government of Côte d'Ivoire with the United Nations human rights machinery and its commitment to promoting and protecting human rights, and encourages the continuation of efforts to end all human rights violations in the country, to prosecute the persons responsible and the perpetrators of such acts and to help victims;

4. *Notes with appreciation* the establishment of the Ministry of Solidarity, Social Cohesion and Compensation of Victims, a breakthrough that will enhance the gains made in the area of national reconciliation, while encouraging the Government of Côte d'Ivoire to provide it with sufficient resources to fulfil its mission;

5. *Also notes with appreciation* the efforts made by the Government of Côte d'Ivoire to align its domestic legal framework with the Rome Statute of the International Criminal Court, including its initiative for the abolition of the death penalty and the introduction into its domestic legal framework of international crimes such as genocide, crimes against humanity and war crimes, superior responsibility for war crimes and the non-applicability of any statute of limitations to such international crimes;

6. *Encourages* Côte d'Ivoire to continue its efforts to enhance capacity in its judicial system and invites the Government of Côte d'Ivoire to strengthen human resource capacity, to ensure that legal proceedings conform to international standards for a fair trial

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[138] S/2016/297.

[139] A/HRC/32/52.

and to prosecute all the alleged perpetrators of human rights violations, including those committed during the post-election crisis;

7. *Welcomes* the continued work of the special investigation unit, encourages the Ivorian authorities to continue to provide it with the necessary resources, and also encourages the acceleration of the national processes of investigation and prosecution of the persons responsible and the alleged perpetrators of the violence committed during the 2010-2011 post-election period;

8. *Encourages* the Ivorian authorities to continue their efforts to improve conditions of detention in prisons and to take steps to reduce overcrowding in prisons in order to improve the care of minors and, in this regard, invites the international community to support the efforts of the Government of Côte d'Ivoire;

9. *Welcomes* the release, on 19 April 2016, to the President of the Republic, of the report of the National Commission for Reconciliation and Compensation of Victims and the recommendations provided by it to proceed with its publication and of the report of the Dialogue, Truth and Reconciliation Commission;

10. *Also welcomes* the continuation of the dialogue between all political actors aimed at facilitating inclusive political pluralism, while stressing the importance of the full participation of women in the process of dialogue with all parties, and notes the continued cooperation with the International Criminal Court and the adoption of new laws, significant advances in strengthening the legislative framework and promoting and protecting human rights;

11. *Notes* the commitment of the judicial authorities to ensure equitable justice for all victims of the Ivorian crisis, a major component of reconciliation, through the continuation of judicial proceedings, including the trial of members of the Forces républicaines de Côte d'Ivoire, and the acceleration of the process of investigation and prosecution of those responsible and the alleged perpetrators of the violence committed during the 2010-2011 post-election period;

12. *Welcomes* the continuation of the electoral process and the arrangements for holding fair, free, transparent, inclusive and peaceful general elections that guarantee freedom of expression and the will of the people;

13. *Takes note* of the reports and recommendations submitted by the independent Expert to the Human Rights Council at its thirty-first and thirty-second sessions;[198]

14. *Applauds* the commitments made by the Government of Côte d'Ivoire during the various sessions of the Human Rights Council to endorse the Independent Expert's recommendations and its fruitful cooperation with the Independent Expert in the framework of his mandate;

15. *Welcomes* the progress made by the Government of Côte d'Ivoire in promoting respect for and protection of human rights, including its cooperation with the special procedure mandate holders and treaty bodies and its efforts in ratifying international and regional human rights instruments, and encourages it to continue these activities and to continue its efforts to bring its national legislation into conformity with the international and regional instruments that it has ratified by ensuring the effective implementation of those instruments;

16. *Notes with appreciation* the continued improvement in the humanitarian situation on the ground and calls on United Nations agencies and other relevant actors to continue, at the request of the country, to provide assistance to refugees and internally

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[198] A/HRC/31/78 and A/HRC/32/52.

displaced persons, in conformity with the measures put in place by the Government, so as to encourage their safe and voluntary return to their homes;

17. *Welcomes* in this regard the actions of the Ministry of Solidarity, Social Cohesion and Compensation of Victims, which have facilitated the return to Côte d'Ivoire, since 3 May 2016, of nearly 2,000 Ivorian refugees and exiles in Liberia;

18. *Notes* the efforts made by the Ivorian authorities to combat sexual violence against women and children, notably with the adoption of a national strategy to curb the phenomenon, and the efforts made to protect children, and calls upon the Government to do everything possible to continue investigations into the recurring allegations of violence against women and children;

19. *Welcomes* in this regard the adoption on 3 June 2016 of a decree on the establishment, responsibilities, organization and functioning of the National Committee to Combat Conflict-Related Sexual Violence, which has been tasked with coordinating within national security institutions the efforts of the Government of Côte d'Ivoire to prevent conflict-related sexual violence and respond to such violence and to enhance the fight against impunity for crimes of sexual violence committed by armed men;

20. *Calls upon* the international community to continue, if necessary, to support the reconstruction and reconciliation process under way in Côte d'Ivoire and to provide the assistance requested in the specific areas in which such assistance is necessary, including in strengthening the capacity of the mechanisms for combating violence against women and children;

21. *Calls upon* the Government of Côte d'Ivoire to ensure the full inclusiveness of the constitutional review process and to invite all Ivorian stakeholders, including political parties, civil society and the media, to continue to work together to consolidate national reconciliation and social cohesion, and urges the Ivorian authorities to seize this opportunity to strengthen the legal framework for the protection of human rights in the country;

22. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the technical assistance requested by the Government of Côte d'Ivoire in order to strengthen the capacity of the National Human Rights Commission of Côte d'Ivoire, with a view to closing down the United Nations Operation in Côte d'Ivoire in June 2017, and encourages the Ivorian authorities to bring the Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and to provide it with the necessary means to carry out its work independently;

23. *Calls upon* the international community to encourage the national efforts made by Côte d'Ivoire and its institutions to strengthen the rule of law in the country, and to respond to its requests for technical assistance in the humanitarian, educational, health, economic and social spheres;

24. *Also calls upon* the international community to continue to support, upon request, the National Human Rights Commission of Côte d'Ivoire through technical assistance and capacity-building programmes with a view to enabling it to contribute effectively to the promotion and protection of the fundamental rights of the Ivorian people, in accordance with the Paris Principles;

25. *Decides* accordingly to extend, for a final one-year period, until 30 June 2017, the mandate on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights;

26. *Requests* the Independent Expert to submit a report and his final recommendations to the Human Rights Council at its thirty-fifth session.

45th meeting
1 July 2016

[Adopted without a vote.]

32/31. Civil society space

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the International Covenants on Human Rights and all other relevant instruments,

Recalling the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recalling also its resolutions 27/31 of 26 September 2014, on civil society space, and 24/21 of 27 September 2013, on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment,

Recalling further all other Human Rights Council resolutions relevant to creating and maintaining civil society space, inter alia, those addressing freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; protecting human rights defenders; equal participation in political and public affairs; cooperation with the United Nations, its representatives and mechanisms in the field of human rights; promotion and protection of human rights in the context of peaceful protests; and the promotion, protection and enjoyment of human rights on the Internet,

Recognizing the important role of civil society at the local, national, regional and international levels, that civil society facilitates the achievement of the purposes and principles of the United Nations, and that the undue restriction of civil society space therefore has a negative impact upon their achievement,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[119] including the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, provide access to justice for all, build effective, accountable and inclusive institutions at all levels, and strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, and also welcoming its recognition of the importance of multi-stakeholder partnerships for the achievement of the Sustainable Development Goals,

Welcoming also the awarding of the Nobel Peace Prize to various civil society actors and human rights defenders as recognition of the decisive contribution that civil society can make in the promotion of human rights, the creation of peaceful dialogue and the building of pluralistic democracies, including the award to the civil society-led National Dialogue Quartet in 2015,

Gravely concerned that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment and attacks and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of criminal or civil proceedings, or deplorable acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights,

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[119] General Assembly resolution 70/1.

Underscoring that the legal framework within which civil society operates is that of national legislation consistent with the Charter and international human rights law,

Mindful that domestic legal and administrative provisions and their application should facilitate, promote and protect an independent, diverse and pluralistic civil society, and in this regard strongly rejecting all threats, attacks, reprisals and acts of intimidation against civil society actors, and underscoring that States should investigate any such alleged acts, ensure accountability and effective remedies, and take steps to prevent any further such threats, attacks, reprisals or acts of intimidation,

Deeply concerned that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society actors, or registration or reporting requirements, have sought to or have been misused to hinder the work and endanger the safety of civil society, and recognizing the urgent need to prevent and stop the use of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure their compliance with international human rights law and, where applicable, international humanitarian law,

Recognizing that the ability to seek, secure and use resources is essential to the existence and sustainable operation of civil society actors, and that undue restrictions on funding to civil society actors undermine the right to freedom of association,

Reaffirming that special emphasis should be given to measures to assist in the strengthening of a pluralistic civil society, including through the strengthening of the rule of law, social and economic development, the promotion of the right to freedom of expression, online and offline, including artistic expression and creativity, access to information, the rights of peaceful assembly and freedom of association, including soliciting, receiving and utilizing resources, and the administration of justice, and to the real and effective participation of the people in decision-making processes,

Recognizing the crucial importance of the active involvement of civil society, at all levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies,

1. *Emphasizes* that creating and maintaining a safe and enabling environment in which civil society can operate free from hindrance and insecurity assists States in fulfilling their existing international human rights obligations and commitments, without which equality, accountability and the rule of law are severely weakened, with implications at the national, regional and international levels;

2. *Takes note* of the report of the United Nations High Commissioner for Human Rights on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned;[138]

3. *Reminds* States of their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, inter alia, the rights to freedom of expression and opinion and to assemble peacefully and associate freely, online as well as offline, including for persons espousing minority or dissenting views or beliefs, and that respect for all such rights, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as addressing financial

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[138] A/HRC/32/20.

and economic crises, responding to public health crises, responding to humanitarian crises, including in the context of armed conflict, promoting the rule of law and accountability, achieving transitional justice goals, protecting the environment, realizing the right to development, empowering persons belonging to minorities and vulnerable groups, combating racism and racial discrimination, supporting crime prevention, countering corruption, promoting corporate social responsibility and accountability, combating human trafficking, empowering women and youth, promoting the rights of the child, advancing social justice and consumer protection, the realization of all human rights and the implementation of the 2030 Agenda for Sustainable Development;

4. *Urges* States to create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity;

5. *Emphasizes* the importance of civil society space for empowering persons belonging to minorities and vulnerable groups, as well as persons espousing minority or dissenting views or beliefs, and in that regard calls upon States to ensure that legislation, policies and practices do not undermine the enjoyment by such persons of their human rights or the activities of civil society in defending their rights;

6. *Also emphasizes* the important role of artistic expression and creativity in the development of society and, accordingly, the importance of a safe and enabling environment for civil society in that regard, in line with article 19 of the International Covenant on Civil and Political Rights;

7. *Urges* States to ensure access to justice, and accountability, and to end impunity for human rights violations and abuses against civil society actors, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to create and maintain a safe and enabling environment in which civil society can operate free from hindrance, insecurity and reprisals;

8. *Calls upon* States to ensure that domestic provisions on funding to civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the ability to solicit, receive and utilize resources for their work;

9. *Urges* all non-State actors to respect all human rights and not to undermine the capacity of civil society to operate free from hindrance and insecurity;

10. *Emphasizes* the essential role of civil society in subregional, regional and international organizations, including in support of the organizations' work, and in sharing experience and expertise through effective participation in meetings in accordance with relevant rules and modalities, and in this regard reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with subregional, regional and international bodies, and their representatives and mechanisms;

11. *Recognizes* the valuable contribution of national, subregional, regional and international human rights mechanisms and bodies, including the universal periodic review and the special procedures of the Human Rights Council, the human rights treaty bodies and national human rights institutions, to the promotion and protection of civil society space;

12. *Encourages* the special procedures of the Human Rights Council, the treaty bodies and relevant United Nations bodies, agencies, funds and programmes to continue to address relevant aspects of civil society space in the framework of their respective mandates;

13. *Urges* States to ensure that the issue of the creation and maintenance of a safe and enabling environment for civil society is addressed in the context of the universal periodic review, and encourages States in that regard to consult civil society in the

preparation of their national reports, to consider including in their national reports information on relevant domestic provisions and steps, to consider making relevant recommendations to States under review, and to assist States in the implementation of relevant recommendations through, inter alia, the sharing of experiences, good practices and expertise and offering technical assistance on the basis of requests and with the consent of the States concerned, and conducting broad consultations with civil society in the follow-up to their review;

14. *Also urges* States to create and maintain, in law and in practice, a safe and enabling environment for civil society, and in this regard encourages States to use good practices such as, inter alia, those compiled in the report of the High Commissioner on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned[138] by, inter alia:

(*a*) Taking steps to ensure a supportive legal framework and access to justice, including by acknowledging publicly the important and legitimate role of civil society in the promotion of human rights, democracy and the rule of law, including through public statements and public information campaigns, and better addressing business-related human rights abuses through the effective implementation of the Guiding Principles on Business and Human Rights;

(*b*) Contributing to a public and political environment conducive to civil society work, including by strengthening the rule of law, the administration of justice, social and economic development, access to information, the promotion of the rights to freedom of opinion and expression online and offline, and of peaceful assembly and association, and by participating in public affairs and promoting the real and effective participation of the people in decision-making processes, and taking steps to ensure that all domestic legal provisions with an impact on civil society actors, including counter-terrorism measures, comply with relevant international human rights obligations and commitments, including the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, maintaining accessible domestic procedures for the establishment or registration of organizations and associations, and access to national, regional and international human rights mechanisms;

(*c*) Providing for access to information, including by adopting clear laws and policies providing for effective disclosure of information held by public authorities and a general right to request and receive information subject to clearly and strictly defined exceptions in accordance with international human rights law;

(*d*) Providing for the participation of civil society actors, including by enabling them to participate in public debate on decisions that would contribute to the promotion and protection of human rights and the rule of law and on any other relevant decisions, and to provide input on the potential implications of legislation when it is being developed, debated, implemented or reviewed, and exploring new forms of participation and opportunities brought about by information and communications technology and social media;

(*e*) Providing for a long-term supportive environment for civil society, including through education that is aimed at strengthening respect for human rights and fundamental freedoms;

15. *Invites* States to seek technical assistance and advice in this regard, including from the Office of the High Commissioner, relevant special procedures of the Human Rights Council and from regional human rights mechanisms;

16. *Invites* States and other stakeholders to brief, on a voluntary basis, the Human Rights Council at its thirty-fifth session on measures taken to implement the recommendations contained in the report of the High Commissioner;[138]

17. *Welcomes* the work of the Office of the High Commissioner to promote and protect civil society space, including its work on widening the democratic space, and invites it to continue efforts in this regard;

18. *Requests* the High Commissioner to prepare a report compiling information on the procedures and practices in respect of civil society involvement with regional and international organizations, including United Nations bodies, agencies, funds and programmes, and the contribution of civil society to their work and challenges and best practices, and in that regard to continue to engage with and seek input from those organizations and entities, as well as the views of States, national human rights institutions, civil society and other stakeholders, and to submit the compilation to the Human Rights Council at its thirty-eighth session;

19. *Decides* to remain seized of the matter.

46th meeting
1 July 2016

[Adopted by a recorded vote of 31 to 7, with 9 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Bangladesh, Belgium, Botswana, Côte d'Ivoire, Ecuador, El Salvador, France, Georgia, Germany, Ghana, India, Indonesia, Latvia, Maldives, Mexico, Mongolia, Morocco, Namibia, Netherlands, Panama, Paraguay, Philippines, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland

Against:

China, Congo, Cuba, Nigeria, Russian Federation, South Africa, Venezuela (Bolivarian Republic of)

Abstaining:

Bolivia (Plurinational State of), Burundi, Ethiopia, Kenya, Kyrgyzstan, Qatar, Saudi Arabia, United Arab Emirates, Viet Nam]

32/32. The rights to freedom of peaceful assembly and of association

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant human rights instruments,

Reaffirming Human Rights Council resolutions 15/21 of 30 September 2010, 21/16 of 27 September 2012 and 24/5 of 26 September 2013, and recalling Council resolutions 22/10 of 21 March 2013, 25/38 of 28 March 2014 and 26/13 of 26 June 2014, and relevant resolutions of the Commission on Human Rights,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007,

Recognizing that the effective exercise of the rights to freedom of peaceful assembly and of association, as enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, is essential for the enjoyment of other human rights and freedoms and constitutes a fundamental pillar for building a democratic society and strengthening democracy, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

Aware of the crucial importance of the active involvement of civil society in processes of governance that affect the life of people,

Taking note of the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association submitted to the Human Rights Council at its thirty-second session,[139]

Acknowledging that professional associations are among the manifestations of the right to freedom of association,

1. *Decides* to renew the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, as established by the Human Rights Council in its resolution 15/21, for a period of three years;

2. *Calls upon* States to continue to cooperate fully with and assist the Special Rapporteur in the performance of the mandate, to respond promptly to his or her urgent appeals and other communications, and to consider favourably his or her requests for visits;

3. *Requests* the Special Rapporteur to continue to report annually to the Human Rights Council and the General Assembly;

4. *Invites* the Special Rapporteur to consider addressing, in his or her future reporting, the topic of professional associations, including the role of professional associations in the promotion and protection of all human rights, the realization of development efforts, and building and maintaining a democratic society, and also including how States and other relevant stakeholders may promote, create and maintain conditions conducive to the development and activities of professional associations;

5. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil the mandate, in particular by placing adequate human and material resources at his or her disposal;

6. *Decides* to continue its consideration of the issue of the rights to freedom of peaceful assembly and of association in accordance with its programme of work.

46th meeting
1 July 2016

[Adopted without a vote.]

32/33. Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[140] including, inter alia, its Goal 13, which calls for urgent action to combat climate change and its impact,

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[139] A/HRC/32/36.
[140] General Assembly resolution 70/1.

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated,

Recalling all its previous resolutions on human rights and climate change,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect human rights as enunciated in the outcome of the sixteenth session of the Conference of Parties to the Convention,[34]

Reaffirming also the commitment to enable the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change, including, in the context of sustainable development and efforts to eradicate poverty, through long-term cooperative action, in order to achieve the ultimate objective of the Convention,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Acknowledging also that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding an adverse impact on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Affirming that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

Emphasizing that the adverse effects of climate change have a range of implications, which can increase with greater warming, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the right to safe drinking water and sanitation and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

Recognizing that climate change poses an existential threat for some, and recognizing also that climate change has already had an adverse impact on the full and effective enjoyment of human rights enshrined in the Universal Declaration of Human Rights,

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status, national or social origin, birth or other status and disability,

Recognizing that children are among the most vulnerable to climate change, which may have a serious impact on their enjoyment of the highest attainable standard of physical and mental health, access to education, adequate food, adequate housing, safe drinking water and sanitation,

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[34] FCCC/CP/2010/7/Add.1, dec. 1/CP.16.

Looking forward to the day of general discussion of the Committee on the Rights of the Child on children's rights and the environment, to be held on 23 September 2016,

Expressing concern that countries lacking the resources for implementing their adaptation plans and programmes of action and effective adaptation strategies may suffer from higher exposure to extreme weather events, in both rural and urban areas, particularly in developing countries, including those in least developed countries, small island developing States and African countries with more climate vulnerability,

Recognizing the particular vulnerabilities of migrants and other non-nationals who may face challenges associated with implementing appropriate responses in extreme weather conditions owing to their status and who may have limited access to information and services, resulting in barriers to the full enjoyment of their human rights,

Welcoming the Paris Agreement adopted under United Nations Framework Convention on Climate Change, which acknowledged that climate change is a common concern of humankind, and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Recognizing the urgent need for early ratification, acceptance or approval and full implementation of the Paris Agreement,

Urging the parties to the Kyoto Protocol to the United Nations Framework Convention on Climate Change that have not already done so to consider ratifying and implementing the Doha amendment to the Kyoto Protocol,

Noting the importance for some of the concept of "climate justice" when taking action to address climate change,

Welcoming the holding of the twenty-second Conference of the Parties to the United Nations Framework Convention on Climate Change in November 2016, in Marrakech, Morocco,

Welcoming also the Sendai Framework for Disaster Risk Reduction 2015-2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights,

Noting the work of the United Nations Children's Fund related to environmental sustainability for children, including its work to improve the enjoyment of rights by children, especially the most disadvantaged, and to promote children as critical agents of change, including its report on how children, particularly those in most vulnerable situations, are affected by climate change and the concrete steps needed to be taken to protect them,[142]

Welcoming the convening at the thirty-first session of the Human Rights Council of the panel discussion on the adverse impact of climate change on States' efforts to progressively realize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and related policies, lessons learned and good practices, and noting the summary report on the panel discussion prepared by the Office of the United Nations High Commissioner for Human Rights,[143]

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[142] *Unless we act now: The impact of climate change on children* (UNICEF, New York, November 2015).

Taking note of the analytical study on the relationship between climate change and the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health prepared by the Office of the High Commissioner pursuant to Human Rights Council resolution 29/15 of 2 July 2015,[144]

Encouraging States, as appropriate, to integrate policies on health and human rights in their climate actions at all levels, including their national plans of action for climate mitigation and adaptation,

Taking note of the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment focusing on climate change and human rights,[145]

Emphasizing the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change on mitigation, adaptation and the provision of finance, technology transfer and capacity-building to developing countries, to ensure the highest possible mitigation efforts to minimize the adverse impact of climate change on present and future generations,

Noting the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action,

Noting also the establishment and the advocacy of the Climate Vulnerable Forum,

Noting further the establishment and work of regional and subregional initiatives on climate change, including the Committee of African Heads of State and Government on Climate Change and the International Solar Alliance,

1. *Expresses concern* that climate change has contributed to the increase of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change for all, particularly in developing countries and the people whose situation is most vulnerable to climate change, especially children in a situation of extreme poverty, and deteriorating livelihood conditions;

3. *Calls upon* States to continue and enhance international cooperation and assistance for adaptation measures to help developing countries, especially those that are particularly vulnerable to the adverse effects of climate change and persons in vulnerable situations, including children most at risk;

4. *Decides* to incorporate into its programme of work for the thirty-fourth session, on the basis of the different elements contained in the present resolution, a panel discussion on the adverse impact of climate change on States' efforts to realize the rights of the child and related policies, lessons learned and good practices;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights, in consultation with and taking into account the views of States, the special procedures of the Human Rights Council, the United Nations Children's Fund, the United

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[143] A/HRC/32/24.

[144] A/HRC/31/36.

[145] A/HRC/31/52.

Nations Environment Programme, the World Health Organization, the World Meteorological Organization, and other relevant international organizations and intergovernmental bodies, including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, to conduct, from within existing resources, a detailed analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child, to be submitted to the Council prior to its thirty-fifth session and to be further informed by the panel discussion mandated in paragraph 4 above;

6. *Also requests* the Office of the High Commissioner to submit to the Human Rights Council, at its session following the panel discussion, a summary report, including any recommendations stemming therefrom, for consideration of further follow-up action;

7. *Invites* special procedure mandate holders, within their respective mandates, and other relevant stakeholders, including academic experts and civil society organizations, to contribute actively to the panel discussion;

8. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impact of climate change on the enjoyment of children's rights, within their respective mandates;

9. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

10. *Also calls upon* States to integrate a gender perspective in pursuing mitigation and adaptation responses to the adverse impact of climate change on the full and effective enjoyment of the rights of every boy and girl;

11. *Decides* to consider the possibility of organizing follow-up events on climate change and human rights;

12. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussion, the summary report thereon, and the analytical study;

13. *Decides* to remain seized of the matter.

46th meeting
1 July 2016

[Adopted without a vote.]

B. Decisions

32/101. Outcome of the universal periodic review: Namibia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Namibia on 18 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Namibia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/4), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/4/Add.1 and A/HRC/32/2, chap. VI).

26th meeting
23 June 2016

[Adopted without a vote.]

32/102. Outcome of the universal periodic review: Niger

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Niger on 18 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of the Niger, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/5), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/5/Add.1 and A/HRC/32/2, chap. VI).

26th meeting
23 June 2016

[Adopted without a vote.]

32/103. Outcome of the universal periodic review: Mozambique

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18

June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Mozambique on 19 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Mozambique, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/6), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/6/Add.1 and A/HRC/32/2, chap. VI).

26th meeting
23 June 2016

[Adopted without a vote.]

32/104. Outcome of the universal periodic review: Estonia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Estonia on 19 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Estonia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/7), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/7/Add.1 and A/HRC/32/2, chap. VI).

28th meeting
23 June 2016

[Adopted without a vote.]

32/105. Outcome of the universal periodic review: Paraguay

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Paraguay on 20 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1, *Decides* to adopt the outcome of the review of Paraguay, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/9), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/9/Add.1 and A/HRC/32/2, chap. VI).

28th meeting
23 June 2016

[Adopted without a vote.]

32/106. Outcome of the universal periodic review: Belgium

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Belgium on 20 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Belgium, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/8), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/8/Add.1 and A/HRC/32/2, chap. VI).

28th meeting
23 June 2016

[Adopted without a vote.]

32/107. Outcome of the universal periodic review: Denmark

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Denmark on 21 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Denmark, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/10), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/10/Add.1 and A/HRC/32/2, chap. VI).

29th meeting
24 June 2016

[Adopted without a vote.]

32/108. Outcome of the universal periodic review: Palau

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Palau on 21 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Palau, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/11), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/11/Add.1 and A/HRC/32/2, chap. VI).

29th meeting
24 June 2016

[Adopted without a vote.]

32/109. Outcome of the universal periodic review: Somalia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Somalia on 22 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Somalia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/12), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/12/Add.1 and A/HRC/32/2, chap. VI).

29th meeting
24 June 2016

[Adopted without a vote.]

32/110. Outcome of the universal periodic review: Seychelles

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Seychelles on 25 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1, *Decides* to adopt the outcome of the review of Seychelles, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/13), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/13/Add.1 and A/HRC/32/2, chap. VI).

30th meeting
24 June 2016

[Adopted without a vote.]

32/111. Outcome of the universal periodic review: Solomon Islands

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Solomon Islands on 25 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Solomon Islands, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/14), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/14/Add.1 and A/HRC/32/2, chap. VI).

30th meeting
24 June 2016

[Adopted without a vote.]

32/112. Outcome of the universal periodic review: Latvia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Latvia on 26 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Latvia, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/15), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/15/Add.1 and A/HRC/32/2, chap. VI).

30th meeting
24 June 2016

[Adopted without a vote.]

32/113. Outcome of the universal periodic review: Sierra Leone

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Sierra Leone on 27 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Sierra Leone, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/16), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/16/Add.1 and A/HRC/32/2, chap. VI).

31st meeting
24 June 2016

[Adopted without a vote.]

32/114. Outcome of the universal periodic review: Singapore

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Singapore on 27 January 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Singapore, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/32/17), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/32/17/Add.1 and A/HRC/32/2, chap. VI).

31st meeting
24 June 2016

[Adopted without a vote.]

32/115. Regional arrangements for the promotion and protection of human rights

At its 42nd meeting, on 30 June 2016, the Human Rights Council decided to adopt the text below:

> "*The Human Rights Council*,
>
> *Recalling* its resolutions 6/20 of 28 September 2007, 12/15 of 1 October 2009, 18/14 of 29 September 2011, 24/19 of 8 October 2013 and 30/3 of 1 October 2015 on regional arrangements for the promotion and protection of human rights,

Taking note of the letter of the Chair of the Advisory Committee dated 26 February 2016 addressed to the President of the Human Rights Council,

1. *Requests* the Advisory Committee to prepare a report on regional arrangements for the promotion and protection of human rights, in particular on the progress made in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and their achievements in all regions of the world, and on the role played by the Office of the United Nations High Commissioner for Human Rights, as well as on the role that it can play in the future in advancing cooperation between international and regional human rights mechanisms, and to identify ways to increase the role that regional arrangements play in promoting and protecting human rights and to reinforce universal human rights standards, including as contained in international human rights instruments, and to submit the report to the Human Rights Council before its thirty-ninth session;

2. *Encourages* the Advisory Committee, when preparing the above-mentioned report, to take into account the views of Member States, as appropriate, relevant international and regional organizations, the Office of the High Commissioner, national human rights institutions and non-governmental organizations and other relevant stakeholders."

[Adopted without a vote.]

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